

City of Issaquah Shoreline Master Program



**Ecology Grant #G0800024
Task 6**

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INTRODUCTION

Washington's Shoreline Management Act (SMA) was passed by the State Legislature in 1971 and adopted by the public in a referendum. The SMA was created in response to a growing concern among residents of the state that serious and permanent damage was being done to shorelines by unplanned and uncoordinated development. The goal of the SMA was "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." While protecting shoreline resources by regulating development, the SMA is also intended to provide for appropriate shoreline use by encouraging land uses that enhance and conserve shoreline functions and values.

The SMA has three broad policies:

1. Encourage water-dependent and water-oriented uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines...."
2. Promote public access: "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."
3. Protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life...."

Shoreline Jurisdiction

Three waterbodies in Issaquah are regulated under the SMA and the City's Shoreline Master Program (SMP): Lake Sammamish, the Mainstem of Issaquah Creek and the East Fork Issaquah Creek. Lake Sammamish is designated as a "shorelines of statewide significance."

Under the SMA, the shoreline jurisdiction includes areas that are 200 feet landward of the ordinary high water mark (OHWM) of waters that have been designated as "shorelines of statewide significance" or "shorelines of the state" and their adjacent shorelands, defined as the upland area within 200 feet of the OHWM, as well as any associated wetlands (RCW 90.58.030).

Background

The City of Issaquah completed an initial shoreline inventory in December, 1972, and established a substantial development permit system. In 1981, the City established the Citizens Advisory Committee for the purpose of developing a shoreline master program. A second shoreline inventory was completed in February, 1988, and the SMP was adopted in October, 1990. The SMP provides both policies and regulations to govern development and other activities in the City's shorelines. The City's municipal code also regulates shoreline development by requiring shoreline substantial development permits. Sections 18.10.940 through 18.10.1050 of the city code provide guidelines for issuance of shoreline permits and implement the state SMA.

In 2003, the state legislature established funding, timelines, and guidelines requiring all cities and counties to update their SMP. The City of Issaquah has conducted a comprehensive SMP update with the assistance of a grant administered by the Washington

State Department of Ecology (SMA Grant No. G0800024). The update has been prepared consistent with the SMA and its implementing guidelines. The City's SMP provides goals, policies, development regulations, and permitting procedures for "shorelines of the state" in the city of Issaquah. The primary responsibility for administering the SMA is assigned to local governments through the mechanism of local shoreline master programs, adopted under guidelines established by Ecology. The guidelines (WAC 173-26) establish goals and policies that provide a framework for development standards and use regulations in the shoreline. The SMP is based on state guidelines but tailored to the specific conditions and needs of individual communities. The SMP is also meant to be a comprehensive vision of how the shoreline area will be managed over time.

Documents Supporting the Shoreline Master Program Update

Consistent with state guidelines (WAC 173-26-201, Comprehensive Process to Prepare or Amend Shoreline Master Programs) a first step in the comprehensive Master Program update process is development of a shoreline inventory and characterization report (ICR). The ICR documents current shoreline conditions and provides a basis for updating the City's Master Program goals, policies, and regulations. The characterization identifies existing conditions, evaluates existing functions and values of shoreline resources, and explores opportunities for conservation and restoration of ecological functions.

Under the Ecology grant to the City, several technical reports have also been prepared to support the findings of the ICR and provide rationale for elements of the SMP. These included the following:

1. Report of Recommended Actions for Translating the ICR Findings into SMP Policies and Regulations;
2. Shoreline Use and Public Access Analysis; and
3. Shoreline Environment Designation Recommendations.

State guidelines also require that local governments develop Master Program policies that promote "restoration" of damaged shoreline ecological functions and develop a "real and meaningful" strategy to implement restoration objectives. A Restoration Plan has been prepared which includes identifying restoration opportunities (both programmatic and site-specific), establishing goals and policies, working cooperatively with other regional entities, and supporting restoration through other regulatory and non-regulatory programs.

CHAPTER 1. PURPOSE AND INTENT

1.1 Purposes of the Shoreline Master Program (SMP):

1. To guide the future development of shorelines in the City of Issaquah in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (the "Act") as amended (RCW 90.58).
2. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Issaquah's shorelines; and
3. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto..."

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

1.2 Title

1. This document shall be known and may be cited as the Issaquah Shoreline Master Program (the "Program", "Master Program" or "SMP").

1.3 Governing Principles

1. The goals, policies, and regulations of this Program are intended to be consistent with the State shoreline guidelines in Chapter 173-26 of the Washington Administrative Code (WAC). The goals, policies and regulations are informed by the Governing Principles in WAC 173-26-186, and the policy statements of RCW 90.58.020.
2. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
3. Regulatory or administrative actions contained herein must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
4. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries.
5. The policies and regulations established by the Program must be integrated and coordinated with those policies and rules of the Issaquah Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328 , Significant Legislative Rules.
6. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecology from such impairments in the following ways:
 - a. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
 - b. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Comprehensive Process to Prepare or Amend Shoreline Master Programs.
 - c. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.

- d. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such functions have been identified.

1.4 Adoption Authority

1. This Master Program is adopted under the authority granted by the Act and WAC Chapter 173-26.

1.5 Relationship to Other Plans and Regulations

1. The shoreline regulations contained in this Program shall apply as an overlay and in addition to zoning, land use regulations, development standards, and other regulations established by the City. Uses, developments and activities regulated by this Master Program shall also be subject to the provisions of the Issaquah Comprehensive Plan, the Issaquah Municipal Code including Title 18 Land Use Code, the Washington State Environmental Policy Act ("SEPA," Chapter 43.21C RCW and Chapter 197-11 WAC), and various other provisions of local, state and federal law, as may be amended.
2. In the event this Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the more restrictive provisions shall prevail.
3. Proponents of shoreline use/development shall comply with all applicable laws prior to commencing any shoreline use, development, or activity.
4. Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.
5. The City of Issaquah Land Use Code (Title 18) and Critical Areas Regulations (Chapter 18.10) are herein incorporated into the Program except as noted below:
 - a. Critical Areas Regulations
 1. 18.10.400 Exemptions - Activities that are exempt from critical areas regulation per IMC 18.10.400 shall comply with this Program. Such activities may require a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit unless this Program and RCW 90.58.030(3)(e) specifically indicate the activity is exempt from shoreline substantial development permit requirements.
 2. 18.10.430 Variances - Development applications that would be otherwise processed according to the Reasonable Use Variance provisions of IMC 18.10.430 shall require a Shoreline Variance according to the provisions of this Program and WAC 173-27.

b. Land Use Code

1. Chapter 18.08 Nonconforming Situations - Nonconforming uses and nonconforming development within shoreline jurisdiction shall be subject to this Program in addition to requirements in the Critical Areas Regulations and Nonconforming Situations, IMC Chapter 18.08. Administrative Procedures section 8.4 addresses nonconforming uses and development.

1.6 Applicability

1. All proposed uses and development occurring within shoreline jurisdiction must conform to the Shoreline Management Act and this Program. The policies and regulations of this Program apply to all shoreline uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.
2. This Master Program shall apply to all of the lands and waters within the City limits of Issaquah that fall under the jurisdiction of the Act. This includes the portions of Lake Sammamish, the Mainstem Issaquah Creek and East Fork Issaquah Creek that meet the definition of 'shorelines of the state'.
3. This Master Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
4. Classification of a use or development as permitted does not necessarily mean the use/development is allowed. It means the use/development may be allowed subject to review and approval by the City and/or the Department of Ecology. The City may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of the project with the Act and the Program.
5. Federal agency actions must comply with this Master Program and the Act.
6. Non-federal agency actions undertaken on private lands must comply with this Master Program and the Act when such lands fall within the external boundaries of federally owned lands (e.g., private in-holdings in the National Forest).

1.7 Liberal Construction

1. As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

1.8 Severability

1. The Act and this Program adopted pursuant thereto comprise the basic state and city law regulating use of shorelines in the City of Issaquah. In the event provisions of this Program conflict with other applicable city policies or regulations, the more restrictive shall prevail.

1.9 Authority for Moratoria under Shoreline Management Act

1. ESHB 1379 amends RCW 90.58 to include express authority and procedures for local government to declare moratoria on development under their Shoreline Master Programs. Local governments can declare moratoria or other SMP official controls in 6-month increments, for a maximum of 18 months. In addition, a 6-month review period is provided for Ecology to act on a locally-adopted SMP amendment intended to resolve a moratorium.

CHAPTER 2. DEFINITIONS

2.1 Interpretation

These proposed SMP definitions are derived from multiple sources. Definitions denoted with (*) are from the existing City of Issaquah municipal code. Definitions denoted with (**) are from WAC 173-26, -22, or -27. Definitions denoted with (***) are from RCW 90.58. Definitions with no asterisk are derived from other sources or represent the best professional judgment of the authors.

2.2 Definitions

1. Abandon. Abandon means to terminate the use of a structure by an affirmative act, such as changing to a new use; or to cease, terminate, or vacate a use or structure through non-action.
2. Accessory structure. Accessory structure means any detached structure that is incidental and subordinate to a primary use and located on the same lot as the primary use. Garages, boathouses, barns, storage sheds, gazebos, docks, piers, floats, buoys, and other appurtenances are examples of structures that are typically accessory to a different primary use.
3. Accessory use*. Accessory use means use of land or of a building or portion thereof incidental and subordinate to the principal use and located on the same lot with the principal use. Private moorage and other recreational uses are examples of uses that are accessory to residential development.
4. Act***. Act means the Shoreline Management Act of 1971 (RCW 90.58) as amended.
5. Active Use Area. Active use area means the portion of a shoreline buffer that is not required to be maintained in a naturally vegetated condition but can be used for recreational activities normally associated with single family residential development. The active use area shall remain free of structures and impervious surfaces except for accessory structures expressly allowed by this Program.
6. Agricultural Activities***. "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the

replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. [RCW 90.58.065(2)(a)]

7. Alteration. Any human activity that results or is likely to result in an impact upon the existing condition of a shoreline is an alteration. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except stormwater, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity that results or is likely to result in an impact to existent vegetation, hydrology, fish or wildlife, or fish or wildlife habitat. Alterations do not include walking, fishing, or any other passive recreation or other similar activities.
8. Amendment. Amendment means a revision, update, addition, deletion, and/or re-enactment to the Issaquah SMP.
9. Applicant. Applicant means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.
10. Appurtenance. Appurtenance means a structure or development which is necessarily connected to the use and enjoyment of a single-family residence. "Normal appurtenance" means a garage, boat house, deck, driveway, utilities, fences, and grading which does not exceed 250 cubic yards (WAC 173-14-040 (1)(g) or its successor). Appurtenances must be landward of the ordinary high water mark (OHWM).
11. Associated Wetlands**. Associated Wetlands means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.
12. Backfill. Backfill means the placement of earth material behind a retaining wall or structure.
13. Bank. Bank means a steep rise or slope at the edge of a body of water or water course.
14. Best Management Practices. Best Management Practices means conservation practices or systems of practices and management measures that:
 - a. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;

- b. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of waters, wetlands, and other fish and wildlife habitats; and
 - c. Control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material.
- 15. Beach nourishment. Beach nourishment means the artificial replenishing of a beach by delivery of materials dredged or excavated elsewhere.
 - 16. Berm. Berm means a constructed area of compacted earth
 - 17. Bioengineering. Bioengineering means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.
 - 18. Boat Launch. A Boat launch is an area developed for boating ingress and egress from the water.
 - 19. Boat Lift. Boat Lift means an in-water structure used for the dry berthing of vessels and personal water craft above the water level and lowering of vessels into the water periodically. A boat lift is used to berth and launch a single vessel, suspended over the water's surface. A boat lift is generally a manufactured unit without a canopy cover and may be placed in the water adjacent to a dock or as stand-alone structure.
 - 20. Breakwater. Breakwater means an offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion.
 - 21. Bulkhead. A Bulkhead is a solid or open pile wall of rock, concrete, steel or timber or other materials or a combination of these materials erected generally parallel to and near the OHWM for the purpose of protecting an existing single family residence and appurtenance structures from loss or damage by erosion.
 - 22. Building setback. Building setback means a line which establishes a definite point as determined by the minimum required distance between a structure and a specified line such as a lot, easement or buffer line, beyond which the foundation of a building shall not extend.

23. Channel Migration Zone**. Channel Migration Zone means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.
24. Channelization. Channelization means the straightening, deepening, or widening of a stream channel for the purpose of increasing the stream's carrying capacity.
25. City. City means the City of Issaquah.
26. Clearing. Clearing means limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical, or any other means.
27. Commercial use*. Commercial use means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.
28. Compatible. Compatible means uses or activities capable of existing together or in the vicinity of one another without disharmony or without generating effects or impacts which are disruptive to the normal use and enjoyment of surrounding property.
29. Conservation. Conservation means the prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.
30. Covered Moorage. Covered moorage means boat moorage, with or without walls, that has a roof to protect the vessel(s).
31. Conditional Use, Shoreline**. Conditional use means a use, development, or substantial development which is classified as a conditional use or is not classified within the master program.
32. Critical Areas*. Critical areas are any of those areas of the City which are subject to natural hazards or those land features which support unique, fragile, or valuable natural resources including fish, wildlife and other organisms and their habitat and such resources which, in their natural state carry, hold or purify water. Critical areas include the following landform features: erosion hazard areas, coal mine hazard areas, landslide hazard areas, seismic hazard areas, steep slope areas, streams, wetlands, and the adjoining protective buffers.
33. Development**. means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level;

34. Development regulations. Development regulations means the controls placed on development or land uses including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.
35. Dock. Dock means a structure that abuts the shoreline and floats upon the water and is used as a landing or moorage place for recreational purposes.
36. Dredging. Dredging is the removal of material from the bottom of a stream, river or other water body.
37. Ecological functions or shoreline functions. Ecological functions or shoreline functions means work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200(2)(c).
38. Excavation. Excavation means the physical, manmade removal of earth material from other than within a waterbody.
39. Exempt Development*. Exempt development means a use or development activity that is not required to obtain a substantial development permit under RCW 90.58.030(3)(e) and WAC 173-27-040, but which must otherwise comply with applicable provisions of the Act and this Master Program and which must obtain an exemption permit from the Planning Director/ Manager per IMC 18.10.950. Conditional Use, Variance, or other permits may also still be required even though the activity does not require a Substantial Development Permit.
40. Feasible. Feasible means that a development proposal:
 - a. Can be accomplished with technologies and methods that have been successfully used in the past in similar circumstances; and
 - b. Has a reasonable likelihood of achieving its intended purpose.
41. Fill. Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.
42. Float. Float means a structure comprised of a number of logs, boards, barrels, etc., fastened together into a platform capable of floating on water, used as a landing or moorage structure for swimming purposes. Floats are either attached to a pier or are anchored to the bed lands so as to allow free movement up or down with the rising or falling water levels.

43. Flood Hazard Reduction**. Flood hazard reduction activities include actions taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.
44. Flood plain**. Floodplain is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be determined by reference to the Flood Insurance Rate maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) or a reasonable method which meets the objectives of the act.
45. Floodway.***. Floodway means the area, as identified in this master program, that has been established in federal emergency management agency flood insurance rate maps.
46. Geotechnical Report or Geotechnical Analysis. Geotechnical report or geotechnical analysis means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.
47. Grading. Grading means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.
48. Guidelines. Guidelines means those guidelines adopted pursuant to the Shorelines Management Act of 1971.
49. Habitat Improvement. Habitat improvement means any actions taken to intentionally improve the overall processes, functions and values of critical habitats, including wetland, stream and aquatic habitats. Such actions may or may not be in conjunction with a specific development proposal and include, but are not limited

to, restoration, creation, enhancement, preservation, acquisition, maintenance and monitoring.

50. Hearings Board***. Hearings Board means the shorelines hearings board established by the Shoreline Management Act of 1971.
51. Height**. Height means a measurement from average grade level to the highest point of a structure: provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the master program specifically requires that such appurtenances be included: provided further, that temporary construction equipment is excluded in this calculation.
52. Impervious Surface*. Impervious surface A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops and eaves, walkways, patios, decks (covered or open slat construction are both considered impervious), driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, rockeries and oiled macadam or other surfaces which similarly impede the natural infiltration of surface and storm water runoff. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of this definition.
53. In-stream Structure. In-stream structure means a man-made structure within a stream waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, fish hatchery operations or other purposes.
54. Joint Use Pier or Dock. Joint Use Pier or Dock means a pier or dock including a gangway and/or float which is intended for the private, noncommercial use of more than one waterfront building lot.
55. Landward. Landward means to or toward the land.
56. Launching Ramps. Launching Ramps means areas solely developed for boating ingress and egress.
57. Live-aboard. Live-aboards mean vessels which are used as a person's primary residence.

58. Lot. Lot means any tract or parcel of land shown on an officially recorded short plat or long plat or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyancing purposes on the date of recording of the instrument first referencing the lot.
59. Master Program. Master Program means the comprehensive shoreline master program for the City of Issaquah, including the use regulations together with maps, diagrams, charts or other descriptive material and text.
60. May**. May means the action is acceptable, provided it conforms to the provisions of WAC 173-26 and this Program.
61. Mooring Buoy. Mooring Buoy means a floating object anchored to the bottom of a water body that provides tie-up capabilities for vessels.
62. Moorage Structure. Moorage structure means an in-water or over-water structure that includes docks, piers, floats, boat launches, and boat lifts.
63. Native shoreline vegetation. Native shoreline vegetation means vegetation comprised of plant species, other than noxious weeds, which are indigenous to Pacific Northwest lowlands and that reasonably could have been expected to naturally occur on the site.
64. New Development. New Development means [City to provide updated definition]
65. No Net Loss. No Net Loss means a standard intended to ensure that shoreline development or uses, whether permitted or exempt, are located and designed to avoid loss or degradation of shoreline ecological functions. The standard is met when proposed uses or developments are in compliance with the provisions of this master program. In cases where unavoidable loss results from allowed uses or developments, the standard is met through appropriate mitigation, consistent with the provisions of this master program.
66. Nonconforming use or Development. Nonconforming use or development means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or the applicable SMP, or amendments thereto, but which does not conform to present regulations or standards of this SMP
67. Non-water Oriented Use. Non-water oriented use means any use that does not meet the definition of a water-dependent, water-related, or water-enjoyment use.
68. Normal Maintenance or Repair. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not

limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

69. Ordinary High Water Mark (OHWM)***. means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change hereafter in accordance with permits issued by the City or the Department of Ecology. On a site-specific basis, the Department of Ecology has the final authority on determining where the ordinary high water mark is located.
70. Outfall. Outfall means the outlet or place of discharge of a stormwater collection or sanitary sewer system.
71. Permit**. Permit means a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance issued in compliance with the Shoreline Management Act of 1971 and this Program.
72. Pier. Pier means a structure that abuts the shoreline and is built over the water on pilings and is used as a landing or moorage place for recreational purposes.
73. Planning Director/Manager. Planning Director/Manager means the Director of the Planning Department for the City of Issaquah or his/her assigned designee.
74. Preferred Shoreline Use. Preferred Shoreline Use is identified in the Act as a use that is unique to or dependent upon a shoreline location. Water-dependent, water-related, and water-enjoyment uses are preferred shoreline uses. Single-family residential development is also preferred use according to the Act. RCW 90-58-020 provides State policy on preferred shoreline uses.
75. Provisions. Provisions means policies, regulations, standards, guidelines, criteria, or environment designations.
76. Public Access. Public access means the public's ability to view, get to and/or use the State's public waters, the water/land interface and associated public shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access

facilitated by scenic roads and overlooks, viewing towers and other public sites or facilities.

77. Primary Structure. Primary structure means the structure associated with the principal use of the property. If more than one structure is associated with the principal use of the property, the one with the highest assessed value shall be considered the primary structure.
78. Recreation. Recreation means the refreshment of body and mind through forms of play, amusement or relaxation.
79. Redevelopment. Redevelopment means [City to provide updated definition].
80. Restoration. Restoration means the reestablishment or upgrading of impaired ecological processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.
81. Revetment. Revetment means a sloping structure built to increase bank strength and protect a scarp, embankment, or shore against erosion by waves or currents. A revetment is usually built of rock rip-rap, wood, or poured concrete. One or more filter layers of smaller rock or filter cloth and "toe" protection. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead, which is a vertical structure.
82. Riprap. Riprap means broken stone placed on shoulders, banks, slopes, or other such places to protect them from erosion.
83. Road. Road means a linear passageway, usually for motor vehicles. Bridges are roads which cross over water.
84. Sediment. Sediment is material settled from suspension in a liquid medium.
85. Setback*. Setback means the required minimum horizontal distance between the building line and the related front, side or rear property line. Chimneys, flues, belt courses, sills, pilasters, ornamental features, cornices, eaves, gutters, dormer extensions, greenhouse or bay windows and the like may project into a required setback only as permitted through the provisions of this Code.
86. Shall**. Shall means a mandate; the action must be done.
87. Shoreline Armoring. Shoreline armoring refers to bulkheads, riprap and similar hard structures installed along the shore to stabilize the bank and prevent erosion. See shoreline stabilization.

88. Shorelands or Shoreland Areas**. Shorelands or shoreland areas means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and river waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.
89. Shoreline Modifications**. means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dock, pier, weir, bulkhead, or other shoreline structure. Shoreline modifications can include other actions, such as clearing, grading, or application of chemicals.
90. Shorelines of Statewide Significance***. Shorelines of Statewide Significance means those shorelines described in RCW 90.58.030. The Lake Sammamish shoreline is a shoreline of statewide significance.
91. Shorelines***. Shorelines means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.
92. Shorelines of the State. Shorelines of the state are the total of all 'shorelines' and 'shorelines of statewide significance' within the City of Issaquah.
93. Shoreline Buffer. Shoreline buffer means the area adjacent to a shoreline that separates and protects the area from adverse impacts associated with adjacent land uses.
94. Shoreline Stabilization. Shoreline stabilization means actions taken to prevent or mitigate erosion impacts to property, dwellings, businesses, or structures caused by natural shoreline processes such as currents, floods, tides, wind or wave action. Shoreline stabilization includes structural armoring approaches such as bulkheads and revetments and nonstructural approaches such as bio-engineering.
95. Should**. Should means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Program, against taking the action.
96. Sign. Sign means any device, structure, fixture or placard that is visible from any public right-of-way or surrounding properties and uses graphics, symbols or written

copy for the purpose of advertising or identifying any establishment, product, goods, or service.

97. Soft-shore bank stabilization. See bioengineering.
98. Substantial Development***. Shoreline development means any development with a total cost or fair market value of five-thousand seven hundred and eighteen dollars (\$5,718.00) or more that requires a shoreline substantial development permit. The threshold total cost or fair market value of \$5,718.00 is set by the state office of financial management and may be adjusted in the future pursuant to SMA requirements, as defined in RCW 90.58.030(3)(e) as now or hereafter amended.
99. Transportation Use. Transportation use means a use whose primary purpose is the movement and circulation of people, goods, and services. This includes, but is not limited to public roads, rails, parking areas, non-motorized travel corridors, trails, and similar features.
100. Utilities. Utilities are facilities which produce, store, collect, treat, carry, discharge, or transmit electric power, water, storm drainage, gas, sewage, reclaimed water, communications, or other public services. Accessory utility facilities are those associated with delivery of such public services to support individual uses and developments, such as distribution or service lines.
101. Variance, Shoreline**. A variance means a type of shoreline permit intended to grant of relief from the specific bulk, dimensional, or performance standards set forth in this Program and not a means to vary a use of the shoreline.
102. Vegetation Conservation. Vegetation Conservation includes activities to protect, enhance or and native vegetation along or near shorelines to minimize habitat loss, infestations of invasive plants, and erosion and flooding and therefore contribute to the ecological functions of shoreline areas.
103. Vessel. Vessel includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.
104. Water-dependent Use**. means a use or portion of a use which requires direct contact with the water and which cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation. Ferry terminals, public fishing piers, and marinas are examples of water-dependent uses. Residential development is not a water-dependent use but is a preferred use of shorelines of the state.
105. Water-enjoyment Use**. Water-enjoyment use means those uses which provide for recreation involving the water or facilitates public access to the shoreline as the primary characteristic of the use, or a use which provides for aesthetic enjoyment

of the shoreline for a substantial number of people as a general characteristic of the use and, through location, design and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. To qualify as water enjoyment, a use must be open to the general public and the waterward side of the project must be devoted to provisions that accommodate public enjoyment, and the project must meet the Shoreline Master Program public access requirements. Some examples of water-enjoyment uses include viewing towers, parks, and educational/scientific reserves. A restaurant or similar use may qualify as a water-enjoyment use provided it includes public access to the shoreline.

106. Water-oriented Use**. Water-oriented use means any water dependent, water-related, or water enjoyment use.
107. Water-related Use**. Water-related use means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:
- a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
 - b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.
108. Water Quality. Water quality means the physical chemical, aesthetic, and biological characteristics of water.
109. Weep Holes. Weep holes are holes near the bottom of a retaining wall, backfilled with gravel or other free-draining material, to permit water to drain to the outside of the wall, so as to prevent the buildup of pressure behind the wall.
110. Weir. Weir means a structure in a stream or river for measuring or regulating stream flow.
111. Wetlands**. Wetland means, for the purposes of this SMP, areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

2.3 Unlisted Words and Phrases

The definition of any word or phrase not listed in this SMP which is in question when administering this regulation shall be defined from one of the following sources which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

1. City development regulations;
2. Any city resolution, ordinance, code or regulations;
3. Any statute or regulation of the state of Washington (i.e., the most applicable);
4. Legal definitions from case law or a law dictionary; and
5. The common dictionary.

CHAPTER 3. SHORELINE MASTER PROGRAM GOALS

3.1 Economic Development Element

The Economic Development Element deals with the location and design of commercial and industrial projects and other developments that are particularly dependant on shoreline locations and/or access.

3.1.1 Goal

Encourage the optimum use of existing commercial and industrial areas for water-oriented uses while protecting the shoreline environment.

3.2 Public Access Element

The Public Access Element addresses the need to provide providing public access to public waters.

3.2.1 Goal

Provide opportunities for physical and visual public access to public waters when such access can be reasonable accommodated without human health, safety, and/or security risks, and without adverse effects on shoreline functions and processes or private property rights.

3.3 Recreational Element

The Recreational Element addresses the preservation and expansion of recreational opportunities by means of land acquisition, development of recreational facilities on public lands, and other similar means.

3.3.1 Goal

Foster and support the stewardship of historical, cultural and natural resources throughout the community in the form of a parks, open space and recreational system that serves the needs of the residents of the City of Issaquah and surrounding areas.

3.4 Shoreline Use Element

The Shoreline Use Element addresses the patterns of land use in the shoreline.

3.4.1 Goal

Promote a mix and balance of reasonable and appropriate shoreline uses that will be an asset to the community, and will preserve and protect natural systems. Recognize that land use and water management activities on adjacent uplands affect the quality of the City's shorelines.

3.5 Conservation Element

The Conservation Element addresses the preservation of natural resources, including but not limited to wildlife habitat, natural hydrologic functions, as well as views and aesthetics.

3.5.1 Goal

Re-establish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and /or processes through voluntary and incentive-based public and private programs, consistent with the Shoreline Management Program Restoration Plan.

Protect and restore native shoreline vegetation to provide ecological functions and maintain ecosystem-wide processes.

3.6 Archaeological, Historical and Cultural Resources Element

The Archaeological, Historical and Cultural Resources Element addresses the protection of buildings and sites that have historic, cultural or archaeological significance.

3.6.1 Goal

Identify, protect, preserve and restore important archeological, historic, cultural sites located in shoreline areas for educational and scientific values and enjoyment of the general public.

CHAPTER 4. SHORELINE MASTER PROGRAM JURISDICTION AND SHORELINE ENVIRONMENT DESIGNATIONS

4.1 Shoreline Jurisdiction

4.1.1 Shoreline Jurisdiction Determined

1. The policies and regulations of this program shall apply to the waters of Lake Sammamish, Mainstem Issaquah Creek, and East Fork Issaquah Creek and their adjacent "shorelands" within Issaquah City Limits.
2. Jurisdictional shorelines are shown on the Official Shoreline Map appended to this document (Figures 1 and 2). The Official Shoreline Map does not necessarily identify or depict the lateral extent of shoreline jurisdiction or all associated wetlands. The lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis based on the location of the ordinary high water mark (OHWM), floodway and/or the presence of associated wetlands. For Issaquah Creek and the East Fork Issaquah Creek, the City has adopted the floodway, plus 200 feet of floodplain as mapped by the Federal Emergency Management Agency (FEMA) in the FEMA approved FIRM maps. SMP jurisdiction for these creeks includes any associated wetlands.
3. The lateral extent of shoreline jurisdiction shall be determined based on the criteria set forth in RCW 90.58.030.
4. On Lake Sammamish, the landward extent of shoreline jurisdiction shall be measured from the ordinary high water mark (OHWM) standard elevation of 31.76 NAVD88 or 28.18 NGVD29 or it may be determined on a site-specific basis in the field by a qualified biologist, subject to approval by the Issaquah Planning Department. Identification of the OHWM for any proposed development must be based on a professional survey performed by a licensed surveyor.

4.2 Shorelines of Statewide Significance

4.2.1 Designation of Shorelines of Statewide Significance

In accordance with the criteria of RCW 90.58.030(2)(e), Definitions and Concepts, the legislature designated specific shorelines of the state, including the shorelands and associated wetlands as therein defined, as having statewide significance. This includes all portions of the Lake Sammamish and associated shorelands within the City of Issaquah and PAA. Issaquah Creek and the East Fork Issaquah Creek do not meet the criteria of RCW 90.58.030(2)(e) for designation as a shoreline of statewide significance.

4.2.2 Management Policy

The following policies are hereby adopted for shorelines of statewide significance in Issaquah, consistent with RCW 90.58.020. Preference shall be given to the uses that are consistent with the statewide interest in such shorelines, including uses that:

1. Recognize and protect the statewide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long term over short term benefit.
4. Protect the resources and ecology of the shoreline.
5. Increase public access to publicly owned areas of the shoreline.
6. Increase recreational opportunities for the public in the shoreline.
7. Provide for any other element as defined in RCW 90.58.100, Programs as Constituting Use Regulations, deemed appropriate or necessary.

Uses that are not consistent with these policies should not be permitted on shorelines of statewide significance.

4.3 Shoreline Environment Designations System

1. Shorelines are classified according to specific shoreline environment designations. The purpose of shoreline environment designations (SEDs) is to provide a uniform basis for applying policies and regulations in distinct shoreline areas having similar characteristics.
2. In accordance with the State's guidelines (WAC 173-26-211(2)(a)), Issaquah's shoreline designations are based on:
 - a. The existing land use pattern;
 - b. The biological and physical character of the shoreline; and
 - c. The goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in WAC 173-26-211.
3. Shoreline Environment Designations are delineated on a map, hereby incorporated as a part of this Program (Figure X) that shall be known as the Shoreline Environment Designations Map. This map is for planning purposes only and shall be used to depict Shoreline Environment Designations.
4. To accomplish the purpose of this Program the following shoreline environment designations have been established in the City of Issaquah:
 - a. Shoreline Commercial / Mixed Use (SCMU)
 - b. Transportation High Intensity (THI)
 - c. Lake Sammamish Shoreline Residential (LS-SR)

- d. Lake Sammamish Urban Conservancy (LS-UC)
 - e. Issaquah Creek Shoreline Residential (IC-SR)
 - f. Issaquah Creek Urban Conservancy (UC)
 - g. Natural (N)
5. Undesignated and/or unmapped shorelines shall be designated "Urban Conservancy" in accordance with WAC 173-26-211 (2) (e).
6. The City may, from time to time as new or improved information becomes available, modify the Official Shoreline Map consistent with state guidelines to more accurately represent, clarify, or interpret the true limits of the shorelines defined herein. The application of an SED to a particular shore segment shall not change except through an SMP amendment.

4.4 Environment Designations Purpose, Criteria, and Policies

4.4.1 Shoreline Commercial / Mixed Use

1. Purpose

The purpose of the "Shoreline Commercial / Mixed Use " environment is to provide for high-intensity commercial, multifamily, and mixed use development while protecting existing ecological functions, restoring ecological functions in areas that have been previously degraded, and enhancing public access to Issaquah Creek.

2. Designation Criteria

The Shoreline Commercial / Mixed Use environment designation is applied to those areas planned for high intensity commercial use and multifamily or mixed use development. This designation occurs along Issaquah Creek, primarily within the City's Downtown area, in areas with high levels of existing development, high levels of shoreline armoring, impaired riparian functions, and/or low quality in-stream habitat.

3. Management Policies

- a. Within the "downtown" environment, the City shall give first priority to water-oriented uses or uses with a water-oriented component. Nonwater-oriented uses may also be allowed provided they contribute to improvement of shoreline ecological functions or provide public access and they are located where they do not conflict with or limit opportunities for water-oriented uses, such as on sites where there is no direct access to the shoreline.
- b. The City shall apply standards for new development/redevelopment in this environment to assure no net loss of shoreline ecological functions. Where

applicable, new development and redevelopment should include restoration of riparian processes to improve streamside vegetation, in-stream habitat complexity, water quality, bank stability, and/or other desirable shoreline attributes.

- c. Where feasible, new development/redevelopments should provide visual and physical public access as provided for in WAC 173-26-221 (4)(d).
- d. Aesthetic objectives should be achieved by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

4.4.2 Transportation High-Intensity

1. Purpose

The purpose of the "Transportation High-Intensity" environment is to provide for high-intensity transportation uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

2. Designation Criteria

The Transportation High-Intensity environment applies only to shorelines along the East Fork of Issaquah Creek and includes those areas within the City boundary and PAA that are currently within the WSDOT Interstate-90 right-of-way.

3. Management Policies

- a. The City shall assure no net loss of shoreline ecological functions as a result of new transportation development within this designation by requiring that all impacts are avoided, minimized and/or fully mitigated through compensatory mitigation actions.
- b. New transportation infrastructure should provide the highest level of stormwater treatment and detention, environmental cleanup and restoration of the shoreline in accordance with all relevant state and federal law.
- c. To the extent feasible given safety and engineering considerations, development of new transportation infrastructure in this designation should maintain visual access to the shorelines as provided for in WAC 173-26-221 (4)(d).

4.4.3 Lake Sammamish Shoreline Residential

1. Purpose

The purpose of the "Lake Sammamish Shoreline Residential" environment is to accommodate residential development on Lake Sammamish including development of appurtenant structures that are consistent with WAC 173-26 and this Program.

2. Designation Criteria

The Lake Sammamish Shoreline Residential environment designation is appropriate for those areas of the City's Lake Sammamish shoreline that are characterized predominantly by single-family or multifamily residential development, and have a moderate to high degree of shoreline armoring and overwater structures.

3. Management Policies

- a. The City shall maintain shoreline functions by applying dimensional standards such as setbacks, limiting new shoreline stabilization, regulating dock/pier design and requiring vegetation conservation and/or enhancement. The City shall review proposed projects for consistency with the no net loss policy, taking into account 1) the environmental limitations and sensitivity of the shoreline area, 2) proposed mitigation for anticipated impacts, 3) the level of infrastructure and services available, and 4) other comprehensive planning considerations.
- b. Multifamily and multi-lot residential and recreational developments should provide public access and joint use docks/piers where appropriate.
- c. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
- d. Commercial development is prohibited.

4.4.4 Issaquah Creek Shoreline Residential

1. Purpose

The purpose of the "Issaquah Creek Shoreline Residential" environment is to accommodate residential development on Issaquah Creek that is consistent with WAC 173-26 and this Program.

2. Designation Criteria

The Issaquah Creek Shoreline Residential environment designation is applied to those areas of the City's Issaquah Creek shoreline that are characterized predominantly by single-family or multifamily residential development, impaired ecological functions, and have a moderate to high degree of shoreline armoring.

3. Management Policies

- a. The City shall maintain shoreline functions by applying dimensional standards such as setbacks, limiting new shoreline stabilization, and requiring vegetation conservation and/or enhancement. The City shall review proposed projects for consistency with the no net loss policy, taking into account 1) the environmental limitations and sensitivity of the shoreline area, 2) proposed mitigation for

anticipated impacts, 3) the level of infrastructure and services available, and 4) other comprehensive planning considerations.

- b. Multifamily developments should provide public access and joint use for community recreational facilities where appropriate.
- c. For commercial development, the City shall give first priority to water-oriented uses or uses with a water-oriented component. Nonwater-oriented uses may also be allowed provided they contribute to improvement of shoreline ecological functions or provide public access and they are located where they do not conflict with or limit opportunities for water-oriented uses, such as on sites where there is no direct access to the shoreline.
- d. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

4.4.5 Urban Conservancy

1. Purpose

The purpose of the "Urban Conservancy" environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses consistent with the Comprehensive Plan.

2. Designation Criteria

The "Urban Conservancy" environment is appropriate for shoreline areas that are relatively undisturbed compared to other shoreline areas in the City, and retain desirable riparian characteristics such as minimal bank armoring and/or well developed streamside vegetation. These areas can accommodate planned urban development that is compatible with maintaining or restoring ecological functions. This designation is assigned to areas with the following characteristics:

- a. They are suitable for water-related or water-enjoyment uses;
- b. They contain open space, floodplain or other sensitive areas that should not be intensively developed;
- c. They retain important ecological functions including intact or partially intact riparian areas and limited shoreline armoring even though partially developed; or
- d. They have the potential for development that is compatible with ecological restoration.

3. Management Policies

- a. The City shall maintain shoreline functions by limiting density, applying dimensional standards such as setbacks, limiting new shoreline stabilization, and requiring vegetation conservation and/or enhancement within the "urban conservancy" designation. These standards should ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
- b. Uses that preserve the natural character of the area and preserve open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that restore ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
- c. Multifamily and commercial development in this designation should include public access and public recreation whenever feasible provided significant ecological impacts can be mitigated.

4.4.6 Natural

1. Purpose

The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of intense development. These areas require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes.

2. Designation Criteria

The "Natural" environment designation is assigned to publically owned areas within the Tradition Lake Natural Area that are set aside for conservation and recreation purposes.

3. Management Policies

- a. Areas with a Natural designation should be managed for public recreation and conservations uses only. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
- b. The following new uses should not be allowed in the "Natural" environment:
 - Single-family Residential
 - Commercial uses.
 - Industrial uses.
 - Non-water-oriented recreation.
 - New roads, utility corridors, and parking areas that can be reasonably located outside of "Natural" designated shorelines.

- c. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided they do not cause significant ecological impacts.
- d. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.

4.5 Use and Standards Tables

All uses and developments in the Issaquah shoreline jurisdiction shall comply with the use regulations and development standards contained in Tables 1 and 2. Refer to the text sections of this Program for all applicable provisions related to specific uses and development standards.

Table 1
Permitted Shoreline Uses

Land uses must be allowed in the underlying zoning district in addition to the Shoreline Environment Designation. See the Table of Permitted Land Uses (IMC 18.06.130) for specific land uses allowed in zoning districts. All uses are subject to limitations, standards, conditions and/or exceptions as provided in this program and the Issaquah Land Use Code, Title 18.

Table 1 – Permitted Shoreline Uses identifies uses and activities that are either prohibited (X), permitted by application for a Shoreline Exemption or Shoreline Substantial Development Permit (P), permitted by a Shoreline Conditional Use Permit (C), or Not Applicable (NA).

If a use is not specifically listed, it may be considered through a Shoreline Conditional Use Permit, unless the use or activity is specifically prohibited.

Shoreline Variances are intended only to grant relief from specific bulk, dimensional or development standards, and NOT to authorize shoreline uses and activities.

Shoreline Use	Proposed Shoreline Environment Designations						
	Shoreline Commercial/ Mixed Use	High Intensity Transportation	Lake Sammamish Shoreline Residential	Issaquah Creek Shoreline Residential	Lake Sammamish Urban Conservancy	Issaquah Creek Urban Conservancy	Natural
Residential Use and Development							
Single-family Residential (w/ water-oriented accessory uses)	P	X	P	P	P	P	X
Multifamily Residential or Mixed-use (w/ water-oriented accessory uses)	P	X	P	P	X	P	X
Commercial Use and Development							
Water –Oriented	P	X	X	P	X	P	X
Nonwater-Oriented	P	X	X	P	X	P	X
Public Recreational Use and Development							
Water –Oriented	P	C	P	P	P	P	P
Lake Sammamish Nonwater-Oriented	N/A	N/A	C	N/A	C	N/A	N/A
Issaquah Creek Nonwater-Oriented	P	X	N/A	P	N/A	P	X

Shoreline Use	Proposed Shoreline Environment Designations						
	Shoreline Commercial/ Mixed Use	High Intensity Transportation	Lake Sammamish Shoreline Residential	Issaquah Creek Shoreline Residential	Lake Sammamish Urban Conservancy	Issaquah Creek Urban Conservancy	Natural
Resource Land Uses							
Aquaculture	P ³	C	C	C	C	C	C
Agriculture	P	P	P	P	P	P	P
Forest Practices	P	P	P	P	P	P	P
Mining	X	X	X	X	X	X	X
Transportation Use and Development (non trails)	P	P	P	P	P	P	X
Utility Use and Development	P	P	P	P	P	P	P
Parking (primary use)	X	X	X	X	X	X	X
Signs	P	P	P	P	P	P	P ²
Boating Facilities and Moorage Structures							
Docks, Piers, Floats, Boat Lifts, Buoys	X	X	P	X	P	X	X
Rails, Launch Ramps, and Wet and Dry Boat Storage	X	X	X	X	C	X	X
Boat Launches	X	X	X	X	C	X	X
Shoreline Modifications							
Dredging¹	C	C	C	C	C	C	C
Filling and Excavation							
Landward of OHWM	P	P	P	P	P	P	P
Filling Waterward of OHWM ⁴	C	C	C	C	C	C	C
In-stream Structures	P	P	N/A	P	N/A	P	P
Shoreline Stabilization	P	P	P	P	P	P	P
¹ Dredging for ecological restoration projects where less than 25 cubic yards are removed is a permitted use. ² Signs limited to interpretive or transportation signage. ³ Allows Issaquah Salmon Hatchery to continue operations and future expansion or modification of operations. ⁴ Shoreline restoration projects only require a substantial development permit. (see Section 5.16.2)							

Table 2
Development Standards for Shoreline Environments

Shoreline Use	Shoreline Environment Designations						
	Shoreline Commercial/ Mixed Use	High Intensity Transportation	Lake Sammamish Shoreline Residential	Issaquah Creek Shoreline Residential	Lake Sammamish Urban Conservancy	Issaquah Creek Urban Conservancy	Natural
Commercial							
Shore Setback (buffer/setback)	100'/15'	100'/15'	N/A	100'/15'	N/A	100'/15'	N/A
Side Setback	R – 5' CBD – 0' MUR – 7'	N/A	N/A	R - 5' CBD – 0'	N/A	CBD – 0' R - 5' PO – 20' MUR – 7'	N/A
Height Limit	35'	N/A	N/A	35'	N/A	35'	N/A
Max. Impervious Surface Coverage ¹	R – 65% CBD – 85% MUR – 50%	N/A	N/A	R - 65% CBD – 85%	N/A	CBD – 85% R - 65% PO – 65% MUR – 50%	N/A
Public Recreation							
Shore Setback – Issaquah Creek (buffer/setback)	100'/15'	100'/15'	N/A	100'/15'	N/A	100'/15'	100'/15'
Shore Setback – Lake Sammamish (buffer/setback)	N/A	N/A	35'/15'	N/A	35'/15'	N/A	N/A
Side Setback	Side setbacks for community facilities are determined by the most restrictive contiguous zoning (IMC 18.07.360)						
Height Limit	35'	N/A	35'	35'	35'	35'	35'
Max. impervious Surface Coverage ¹	10%	N/A	10%	10%	10%	10%	10%

Shoreline Use		Shoreline Environment Designations					
	Shoreline Commercial/ Mixed Use	High Intensity Transportation	Lake Sammamish Shoreline Residential	Issaquah Creek Shoreline Residential	Lake Sammamish Urban Conservancy	Issaquah Creek Urban Conservancy	Natural
Residential – Single-family and Duplex							
Shore Setback – Issaquah Creek (buffer/setback)	100’/15’	N/A	N/A	100’/15’	N/A	100’/15’	100’/15’
Shore Setback – Lake Sammamish (buffer/setback)	N/A	N/A	35’/15’	N/A	35’/15’	N/A	N/A
Maximum Density (du/acre)	R ² CBD ² MUR – 14.52	N/A	SF-SL - 7.26	SF-SL - 7.26 SF-D – 14.52 MUR – 14.52	7.26	7.26	N/A
Side Setback	N/A	N/A	SF-SL – 6’ SF-S – 8’	SF-SL – 6’ SF-D – 6’ MUR – 7’	SF-SL – 6’	SF-S – 8’ SF-SL – 6’ SF-E – 15’	N/A
Height Limit	35’	N/A	35’	35’	35’	35’	N/A
Max. Impervious Surface Coverage ¹	R – 65% CBD – 85%	N/A	SF-SL – 50% SF-S – 40%	SF-SL – 50% SF-S – 40% SF-D – 50%	SF-SL – 50%	SF-S – 40% SF-SL – 50% SF-E – 30%	N/A
Residential – Multifamily							
Shore Setback – Issaquah Creek (buffer/setback)	100’/15’	N/A	N/A	100’/15’	N/A	200’/15’	N/A
Shore Setback – Lake Sammamish (buffer/setback)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum Density (du/acre)	R ² CBD ² MUR – 14.52 MF-H – 29	N/A	N/A	MUR - 14.52	N/A	29	N/A

Shoreline Use	Shoreline Commercial/ Mixed Use	Shoreline Environment Designations					
		High Intensity Transportation	Lake Sammamish Shoreline Residential	Issaquah Creek Shoreline Residential	Lake Sammamish Urban Conservancy	Issaquah Creek Urban Conservancy	Natural
Side Setback	R – 5' CBD - 0 MUR – 7' MF-H – 5'	N/A	N/A	7'	N/A	7'	N/A
Height Limit	35'	N/A	N/A	35'	N/A	35'	N/A
Max. Impervious Surface Coverage ¹	R – 65% CBD – 85% MUR - 50% MF-H – 50%	N/A	N/A	50%	N/A	R – 65% PO – 65% MF-H – 50%	N/A
Residential – Decks and Accessory Structures							
Shore Setback – Issaquah Creek (buffer/setback)	100'/15'	N/A	N/A	100'/15'	N/A	100'/15'	N/A
Shore Setback – Lake Sammamish (buffer/setback)	N/A	N/A	35'/15'	N/A	35'/15'	N/A	N/A
Side Setback		Accessory structures must comply with setbacks required for the principal building (Per IMC 18.07.110)					
Height Limit ³	N/A	N/A	15'	15'	15'	15'	N/A
Transportation Facilities							
Shore Setback – Issaquah Creek (buffer/setback)	100'/15'	N/A	N/A	100'/15'	N/A	100'/15'	N/A
Shore Setback – Lake Sammamish (buffer/setback)	N/A	N/A	35'/15'	N/A	35'/15'	N/A	N/A

Shoreline Use		Shoreline Environment Designations					
	Shoreline Commercial/ Mixed Use	High Intensity Transportation	Lake Sammamish Shoreline Residential	Issaquah Creek Shoreline Residential	Lake Sammamish Urban Conservancy	Issaquah Creek Urban Conservancy	Natural
Signs							
Max. sign area ⁴		Per WSDOT standards		Signs permitted per IMC 18.11			
Utilities ⁵							
Shore Setback – Issaquah Creek (buffer/setback)	100’/15’	N/A	N/A	100’/15’	N/A	100’/15’	100’/15’
Shore Setback – Lake Sammamish (buffer/setback)	N/A	N/A	35’/15’	N/A	35’/15’	N/A	N/A

¹ Maximum impervious surface coverage is determined as a percentage of the total site area. No impervious surfaces may be constructed within required stream and wetland buffer areas. Critical area buffers are counted toward the total pervious area required.

² Residential density in the PO, CBD, R and IC zoning designations is limited by development standards including impervious surface ratio, setbacks, height, etc.

³ Per standards for accessory structures in IMC 18.07.110

⁴ Per standards for directional and information signs in IMC 18.11.170.

⁵ Buffers/Setbacks do not apply to water-dependent utilities, such as stormwater discharge/outfalls.

4.6 Shoreline Environment Designations Map

The official Shoreline Environment Designations Map is included as Figures 1 and 2.

Figure 1
Shoreline Environment Designations – North

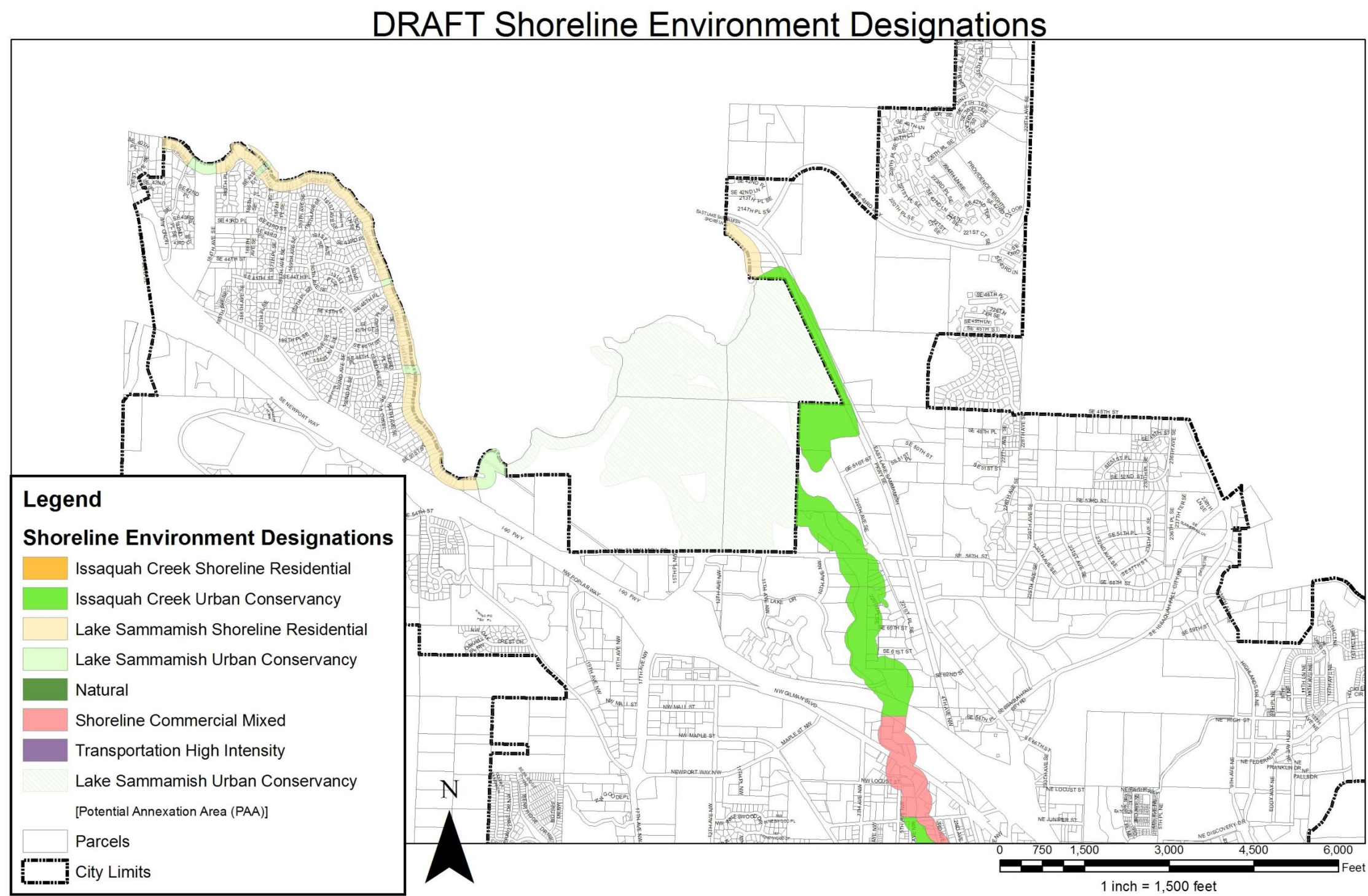
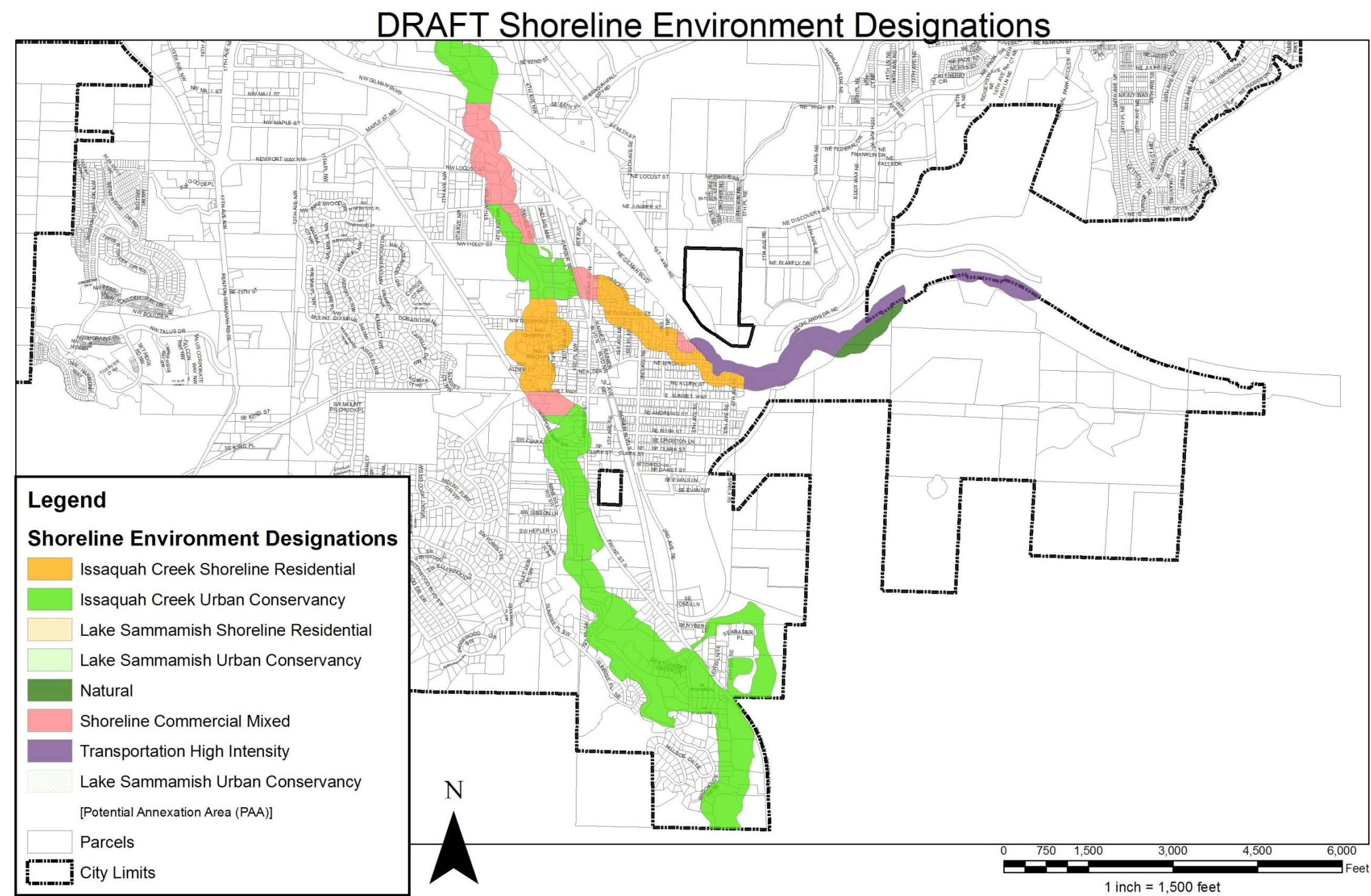


Figure 2
Shoreline Environment Designations – South



CHAPTER 5. GENERAL SHORELINE POLICIES AND REGULATIONS

The following shoreline policies and regulations apply to all Shoreline Environment Designations (SEDs).

5.1 Shoreline Use

5.1.1 Policies

1. Water-dependent and single-family residential uses that preserve shoreline ecological functions and processes are preferred shoreline uses. Secondary preference is given to water-related and water-enjoyment uses, and to those uses that enhance public access to the shoreline or include elements of shoreline restoration.
2. The design, density and location of all allowed uses and developments should reflect physical and natural features of the shoreline and should assure no net loss of ecological functions by avoiding and minimizing adverse effects on shoreline ecology.
3. The City should identify and designate appropriate areas for protecting and restoring shoreline ecological functions and processes. Uses and development which include restoration of shoreline areas that have been degraded as a result of past activities should be encouraged.
4. The City should encourage uses which provide public access to the shoreline.
5. Site plans and structural designs for shoreline development should acknowledge the water's proximity and value as an ecological and scenic resource.
6. Non-conforming uses – Many properties have legal non-conforming situations, where buildings and/or improvements were constructed prior to the adoption of current regulations. In these cases, the existing buildings and/or improvements may not meet or conform to dimensional standards such as buffers or setbacks, or use regulations. Proposals for re-development or additions to legal non-conforming situations should include measures that decrease the level of non-conformity and/or improve existing ecological conditions.
7. Creek as an amenity – To take advantage of the scenic, recreational and cultural values of Issaquah Creek, the City should allow limited improvements within shoreline setback and buffer areas for water-oriented features, provided impacts to shoreline ecological resources are minimized. Water-oriented features are usually accessory to a principle use and may include viewing platforms, trails, and

outdoor seating areas. Water-oriented features should be accessible to the public.

5.1.2 Regulations

1. All uses in the shoreline shall comply with the City's land use code (IMC Title 18) and this Program.
2. The shoreline use table (Table 1 in Chapter 4) defines those uses that are permitted outright and those uses that are only permitted as a conditional use. All unclassified uses, such as agriculture, forestry, mining and non-hatchery-related aquaculture, shall be considered conditional uses and shall be governed by the policies in WAC 173-26.
3. Specific shoreline use regulations are located in Chapters 6 and 7 of this Program.

5.2 Archeological, Historical and Cultural Resources

5.2.1 Policies

1. The City should work with tribal, federal, state, and local governments as appropriate to maintain an inventory of all known local historical, cultural and archeological sites. The location of historical, cultural and archeological sites should not be disclosed to the general public, consistent with applicable state and federal laws.
2. Development on sites having or adjacent to historical, cultural and archeological resources should avoid and minimize impacts to the resource. The City should endeavor to involve tribal governments and the State Department of Archaeology and Historic Preservation in the review of development projects that could adversely affect such resources.
3. Private and public owners of historic sites should be encouraged to provide public access and educational opportunities in a manner consistent with long term protection of both historic values and shoreline ecological functions.
4. The City should encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, local history, and environmental conservation.

5.2.2 Regulations

1. An application for a shoreline permit or request for a shoreline exemption permit for a development proposal located on or adjacent to a historic or cultural resource shall be reviewed pursuant to the requirements of IMC 18.20.100 (Historic Resources – Review Process) and this Program.

2. An application for a shoreline permit or request for a shoreline exemption permit for a development proposal located on or adjacent to an area documented to contain archeological resources shall be reviewed pursuant to this Program and shall require a site inspection or evaluation by a professional archeologist in coordination with affected Indian tribes.
3. Whenever historic, cultural or archaeological sites or artifacts are inadvertently discovered during shoreline development, work on that portion of the development site shall be stopped immediately, the site secured and the discovery reported as soon as possible to the Director. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation, and the Director shall notify the historic preservation officer and shall require a site investigation to determine the significance of the discovery. Based upon the findings of the site investigation and consultation with the historic preservation officer and the Washington State Department of Archaeology and Historic Preservation, the Director may require that an immediate site assessment be conducted or may allow stopped work to resume.

5.3 Public Access

5.3.1 Policies

1. Public shoreline access points and shoreline recreational facilities should be connected by trails, pathways, waterways and other access links where appropriate and feasible. The City should endeavor to integrate public access to shorelines as part of the City public trail system consistent with the adopted Growth Management Act Plan.
2. New development should not substantially interfere with visual and/or physical access to the water from roads and other public spaces.
3. The City should require commercial, industrial, and large-scale residential developments to provide physical or visual access to the shoreline as a condition of approval for shoreline development, commensurate with the impacts of such development and the corresponding benefit to the public, and consistent with constitutional limitations.
4. Public access improvements and amenities (such as view points, trails, etc.) should be designed to provide for public safety, to respect individual privacy, and to avoid or minimize visual impacts from neighboring properties.

5.3.2 Regulations

1. Shoreline development shall not block or interfere with normal public use of, or public access to publicly owned shorelines and water bodies.
2. Public access provided by shoreline street ends, public utilities and rights-of way shall not be diminished pursuant to RCW 35.79.035, Limitations on Vacations of Streets Abutting Bodies of Water; and RCW 36.87.130, Vacation of Roads Abutting Bodies of Water Prohibited unless for Public Purposes or Industrial Use.
3. Public access shall be located and designed to respect private property rights, be compatible with the natural shoreline character, avoid adverse impacts to shoreline ecological functions and processes, and ensure public safety.
4. The City shall require visual or physical public access for any of the following uses/developments:
 - a. Where land is subdivided into more than four parcels or dwelling units; or
 - b. Where use/development occurs on public land or is undertaken by any public entity, including public parks and public utility districts; or
 - c. Where use/development will create increased demand for public access to the shoreline; or
 - d. Where land is developed for commercial or industrial use provided that the public access is compatible with the proposed use and consistent with this Program; or
 - e. Where a use/development will interfere with the public use of the lands or waters subject to the Act.
5. The City shall not require public access for any single-family residential development or any new use/development that meets one or more of the following conditions:
 - a. The access would create unavoidable health or safety hazards to the public which cannot be prevented by practical means; or
 - b. The access would unduly infringe on private property rights or compromise the safety or security of the adjoining properties; or
 - c. The cost of providing the access or easement is unreasonably disproportionate to the long-term cost of the proposed development; or
 - d. The access would create ecological impacts that cannot be mitigated; or

- e. The access would create adverse and unavoidable conflicts with the proposed or adjoining uses that cannot be mitigated; or
 - f. The City has provided more effective public access through a public access planning process and plan as described in WAC 173-26-221(4)(c).
6. When physical public access is deemed to be infeasible based on considerations listed in subsection 5 above, the City may require the project proponent to provide visual access to the shoreline or provide physical access at an available off-site location geographically separated from the proposed use/developmental (e.g., a street end, vista, or trail system).
 7. Public access trails and structures shall be allowed within shoreline buffers subject to the requirements of this Program and the Critical Area Regulations (IMC 18.10), provided that such trails and structures are necessary to provide physical and/or visual access to the shoreline and mitigate for impacts to the shorelines and shoreline buffers.
 8. Development of public access facilities in, on or over the water shall be constructed using materials that allow light penetration and do not contaminate water. Facilities in, on or over the water shall be of non-reflective materials that are compatible in terms of color and texture with the surrounding area.
 9. Public access shall be located adjacent to other public areas, accesses and connecting trails, and connected to the nearest public street.
 10. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
 11. Signs which indicate the public's right of access shall be installed and maintained in conspicuous locations at required public access sites.

5.4 Restoration

5.4.1 Policies

1. The City should integrate shoreline restoration and enhancement with other parallel efforts such as the WRIA 8 Salmonid Recovery Plan, King County Basin Plans, and the Comprehensive Plan.
2. The City should encourage and facilitate cooperative restoration and enhancement programs between local, state and federal public agencies, tribes, non-profit organizations, and landowners.

3. The City should implement approved restoration plans to facilitate the restoration of impaired ecological functions.
4. The City should establish a public outreach and education program for property owners adjacent to the shoreline to promote shoreline-friendly practices.
5. Where feasible, the City should enhance or restore areas that are biologically and/or aesthetically degraded while maintaining appropriate use of the shoreline.
6. The City should encourage projects that restore/rehabilitate/enhance shoreline resources using strategies such as a simplified permit process, reduced or waiver of permit fees, provision of mitigation credit, public outreach/assistance, flexible development standards, and City participation in a pilot project.
7. Restoration planning should include incentives and other means to protect and restore hydrologic connections between water bodies, water courses, and associated wetlands.

5.4.2 Regulations

1. Restoration of ecological functions and processes shall be allowed on all shorelines and shall be located, designed and used in a manner that observes the critical area regulations of IMC 18.10 and assures compatibility with other shoreline uses.
2. Ecological restoration projects shall be carried out in accordance with a City-, county-, or resource agency-approved restoration plan and in accordance with the policies and regulations of this Program.

5.5 Water Quality

5.5.1 Policies

1. Stormwater should be managed consistent with the City's Stormwater Management Policy (IMC 13.28), Basin Plan, and the Comprehensive Plan.
2. Low impact development should be implemented and incentives provided to increase on-site infiltration of stormwater where site soil, geology and groundwater conditions are appropriate.
3. In shoreline areas presently serviced with septic systems, new development or re-developing properties should be required to connect to the City's sanitary sewer lines where sewer service is available. The City should expand sewer service to shoreline areas presently served by septic systems.
4. Effective erosion/sedimentation controls for construction in shoreline areas should be required.

5. The City should provide educational materials and incentives to address the proper use of fertilizers and herbicides by residential uses adjacent to shorelines.
6. Stormwater runoff from Interstate-90 presently flows untreated into Issaquah's creeks. Future development projects within the WSDOT right-of-way should retrofit stormwater facilities to comply with current stormwater standards.

5.5.2 Regulations

1. Shoreline use and development shall incorporate all known, available, and reasonable methods of preventing, controlling, and treating stormwater to protect and maintain surface and ground water quantity and quality in accordance with the City's Stormwater Management Policy (IMC 13.28), Basin Plan, Comprehensive Plan and other applicable laws.
2. Best management practices (BMPs) for controlling erosion and sedimentation and preventing pollutants from entering shoreline waterbodies shall be implemented for all new uses/development in accordance with IMC 16.30 (Erosion and Sediment Control).
3. All structures that may come in contact with water shall be constructed of concrete, steel, or other approved materials. Materials used for pilings, dock decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies. ACZA treated wood must meet Post-Treatment Procedures.

5.6 Critical Areas, Environmental Protection and Shoreline Buffers

5.6.1 Policies

1. The City should preserve, enhance, and/or protect critical areas in shoreline jurisdiction for their ecological functions and values, as well as their aesthetic, scenic, and educational qualities.
2. This Program should provide a level of protection to critical areas within the shoreline that is at least equal to the standards provided in the City's critical area regulations, adopted pursuant to the Growth Management Act.
3. All shoreline use and development should avoid and minimize adverse impacts to ensure no net loss of ecological functions and processes from current conditions. Shoreline ecological functions that should be protected include hydrology, water quality, riparian habitat, and in-stream habitat functions. Shoreline processes that should be protected include surface and groundwater flow, channel migration, sediment delivery, water quality and organic inputs.

4. Project-specific and cumulative impacts should be considered in assessing the potential for net loss of ecological functions and processes.
5. The City should require mitigation proportionate and related to the expected impacts of the proposed development.

5.6.2 Regulations

General

1. Mitigation Sequence - A proponent of any new shoreline use or development shall mitigate adverse environmental impacts whether or not the use/development requires a shoreline substantial development permit or is exempt from a shoreline permit. The mitigation sequence prescribed in WAC 173-26-201(2)(e) and IMC 18.10.490 shall be used in mitigating impacts from shoreline uses and development.
2. The City of Issaquah Critical Areas Regulations as codified in IMC 18.10 (Ordinance Number 2455, adopted on May 15, 2006) are herein incorporated into this Program except as noted. Any conflict between the incorporated ordinances and the SMP are resolved in favor of the regulation that is most protective of the shoreline ecological functions. The following Critical Areas Regulations shall not apply in this Program:
 - a. 18.10.400 – Exemptions.
 - b. 18.10.430 – Variances. Item E. Reasonable Use Variance Criteria Established.
 3. 18.08 Nonconforming Situations - Nonconforming uses and nonconforming development within shoreline jurisdiction shall be subject to this Program in addition to requirements in the Critical Areas Regulations and Nonconforming Situations, IMC Chapter 18.08. Administrative Procedures section 8.4 addresses nonconforming uses and development.

Shoreline Buffers and Building Setbacks Required

2. Unless otherwise specified in this Program, a buffer zone shall be maintained on all shorelines of the state to protect and maintain ecological functions and processes and to minimize risks to human health and safety. The buffer zone shall hereafter be referred to as a "shoreline buffer."
3. No new use or development, including preferred uses and uses exempt from shoreline permit requirements, shall extend waterward of the standard shoreline buffer, unless this Program specifically allows the use or development in the buffer.

4. Water-oriented uses and developments that are specifically allowed to locate waterward of the shoreline buffer and building setback may be approved without a shoreline variance provided they conform to the specific standards of this Program.
5. Shoreline buffers shall be measured landward in all horizontal directions from the ordinary high water mark (OHWM) of the shoreline water body.
6. In the event that buffers and setbacks for any shorelines and/or critical areas are contiguous or overlapping, the landward-most extent of all such buffers and setbacks shall apply.
7. A fifteen (15)-foot-wide building setback shall be established landward of the required shoreline buffer, per IMC 18.10.515(D)
8. Shoreline buffers shall be as follows:
 - a. **Lake Sammamish Buffer Width.** A standard buffer of thirty five (35) feet shall be maintained in all shoreline environment designations. The buffer shall be measured from the ordinary high water mark (OHWM). A standard elevation of 31.76 NAVD88 or 28.18 NGVD29 may be used for the OHWM, or it may be determined on a site-specific basis in the field by a qualified biologist using methods approved by the State Department of Ecology, subject to approval by the Issaquah Planning Department.
 - b. **Mainstem Issaquah Creek Buffer Width.** A standard buffer of 100 feet shall be established in all shoreline environment designations in accordance with IMC 18.10.785, except where a different standard is specified in the Shoreline Standards Table in Chapter 4 (Table 2). Buffers can be modified without a shoreline variance if the buffer reduction criteria of IMC 8.10.790(D) are met. Other buffer modifications require a shoreline variance unless otherwise stated in the Program.
 - c. **East Fork Buffer Width.** A standard buffer of 100 feet shall be established in all shoreline environment designations in accordance with IMC 18.10.785, except where a different standard is specified in the Shoreline Standards Table in Chapter 4 (Table 2). Buffers can be modified without a shoreline variance if the buffer reduction criteria of IMC 8.10.790(D) are met. Other buffer modifications require a shoreline variance unless otherwise stated in the Program.
9. Critical Area Buffer Flexible Standards shall be allowed as described in Chapters 5 through 7 of this Program and the Critical Area Regulations.

Buffer Condition

10. Shoreline buffers shall be maintained in a predominantly natural, undisturbed, undeveloped, and well-vegetated condition except as specifically provided for in this Section and Chapters 6 and 7 of this Program. Buffers shall consist of native woody trees and shrubs that contribute to habitat quality and ecological functions and comply with the Shoreline Vegetation regulations and other provisions of this Program. Buffers may be modified only as specified in this Program.

Routine maintenance of existing, established landscaping within shoreline buffers is allowed. Routine maintenance includes mowing grass, normal pruning and trimming of landscape plants, and weeding and removal of invasive plant species. The removal of significant trees from shoreline buffers or within shoreline jurisdiction is not routine maintenance and must follow standards and regulations of this Program, the Critical Areas Regulations (IMC 18.10) and Landscaping and Tree Preservation (IMC 18.12).

Buffers and Restored Shorelines

11. To avoid penalizing property owners or development proponents wishing to restore shoreline conditions by removing riprap, bulkheads, or other shoreline modifications, and promoting development of natural vegetation, the City may approve a site-specific alternative to the standard buffer on restored shorelines so that an adequate building envelope is maintained. The City shall require the project proponent to prepare a restoration plan showing the pre- and post restoration conditions, the proposed building envelope, and shoreline setback and buffer. In accordance with RCW 90.58.580 (Shoreline Restoration Projects – Relief from Shoreline Master Program Development Standards and Use Regulations), where a shoreline restoration project shifts the Ordinary High Water Mark, regulatory relief may be provided where this shift leads to hardship in making use of the property.
12. To encourage shoreline property owners to remove bulkheads and perform other beneficial shoreline restoration actions in advance of shoreline development or redevelopment, the City may give mitigation credit to any beneficial restoration action that occurred within 5 years of the proposed development/redevelopment activity provided that:
 - a. The applicant/property owner can provide conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence; and

- b. The City can confirm via site inspection, photographs, affidavits or other evidence that the restoration actions have improved shoreline conditions; and
- c. The applicant/property owner provides assurances that the restoration area will be maintained in perpetuity. The assurance can be in the form of a notice on title, conservation easement, or similar mechanism.

5.7 Shoreline Vegetation Conservation

5.7.1 Policies

1. All new shoreline development and/or uses should retain existing native shoreline buffer vegetation, with the overall purpose of protecting and maintaining functions and processes. Important functions of shoreline buffer vegetation include: stabilizing banks and attenuating erosion, providing shade to maintain cool temperatures, removing sediments and excessive nutrients, providing habitat for terrestrial and aquatic wildlife, and providing woody debris and other organic material inputs.
2. Well-vegetated buffers shall be established and maintained on all shorelines to assist in stabilizing shorelines and help prevent the need for bulkheads, and to improve nearshore habitat for juvenile fish by supplying cover and food resources.
3. The City should provide public outreach programs and educational materials to inform shoreline landowners of the importance of maintaining native vegetation buffers along shorelines.
4. Vegetation conservation and management in shoreline areas should include removal of non-native invasive plant species and noxious weeds as needed to facilitate establishment of stable native plant communities.
5. Woody debris should be left in stream corridors to enhance wildlife habitat and shoreline ecological functions, except where it threatens personal safety or public infrastructure such as bridge pilings, roads or flood control structures.
6. Native shoreline vegetation should be integrated with bioengineering to stabilize stream banks and lakeshores and minimize erosion.
7. Proposals to expand, modify, or alter existing structures within shoreline jurisdiction should include measures to enhance shoreline buffer vegetation to improve degraded conditions. The amount of planting required should be proportional to the proposed addition or modification.
8. Vegetation clearing should be limited to the minimum necessary to accommodate shoreline uses/development.

9. Aquatic vegetation control should only occur when native plant communities and associated habitat are threatened or where an existing water-dependent use is restricted by non-native invasive plant species.
10. The City should include requirements, incentives and education for property owners to maintain buffer vegetation in perpetuity. When vegetation enhancement or planting is required as a condition of approval consistent with the Program, the City should require 5 years of maintenance and monitoring to ensure successful establishment of native plantings.

5.7.2 Regulations

1. To conserve and maintain shoreline vegetation, shoreline use and development shall comply with the buffer standards established in Chapters 6 (6.1.3.) and 7 (7.1.3) of this Program and IMC 18.10.340 – 18.10.930; the setback standards established in IMC 18.07.360; the tree preservation regulations in IMC 18.12.1370-1390; and the clearing and grading regulations in IMC 16.26.
2. Vegetation clearing should be limited to the minimum necessary to accommodate approved shoreline uses and developments and shall comply with the standards established in Tables 1 and 2 in Chapter 4 as well as the use-specific regulations contained in this Program.
3. Following permitted surface disturbances, disturbed areas shall be revegetated using plant species approved by the City that are of a similar diversity and type to that occurring in the general vicinity of the site.
4. Vegetation conservation standards shall not limit or restrict the removal of hazard trees, provided the hazard tree removal is consistent with IMC 18.12 Landscaping and Tree Preservation.
5. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where excessive weed growth creates a flood hazard by restricting stream flow. All aquatic weed control activities shall conform to the requirements of applicable state rules and regulations.
6. Herbicides shall not be used to control aquatic weeds, except in situations where no feasible alternative exists, weed abatement is demonstrated to be in the public's interest, and all other regulatory requirements and standards are met.
7. Proponents of all new shoreline uses or developments shall demonstrate that site designs and layouts are consistent with the policies of this section. A shoreline permit or written statement of exemption shall not mandate, nor guarantee removal of vegetation for the purpose of providing unobstructed visibility of the water or any specific feature near or far.

8. Proponents of shoreline use or development shall use innovative techniques to maintain existing native shoreline vegetation and accommodate views. Techniques shall include selective pruning, windowing and other measures that preserve native plant composition and structure. No more than 25% [twenty-five percent] of the limbs on any single tree may be removed and no more than 25% [twenty-five] percent of the canopy cover in any single stand of trees may be removed for view preservation.
9. Existing Landscape Maintenance - Routine maintenance of existing, established landscaping is allowed. For purposes of this section, routine maintenance includes mowing grass, normal pruning and trimming of landscape plants, planting of annuals, perennials fruits and vegetables, and weeding and removal of invasive plant species. The removal of significant trees from shoreline buffers or within shoreline jurisdiction is not routine maintenance and must follow standards and regulations of this Program, the Critical Areas Regulations (IMC 18.10) and Landscaping and Tree Preservation (IMC 18.12).

5.8 Flood Hazard Reduction

5.8.1 Policies

1. Flood protection should be managed in accordance with the City's Areas of Special Flood Hazard ordinance, stormwater management regulations, critical area regulations, and the National Flood Insurance Program.
2. The City should participate in a regional approach to flood protection issues, coordinating with the Federal Emergency Management Agency (FEMA), the State of Washington, King County, and other entities involved in reducing flood hazards.
3. Flood hazard planning should consider off-site erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities.
4. The City should discourage development in floodplains and channel migration zones associated with the City's shorelines that would individually or cumulatively result in an increase to risk of flood damage, channel erosion hazards, or further limit channel migration.
5. Non-structural flood hazard reduction measures should be given preference over structural measures. Non-structural measures include setbacks, land use controls prohibiting or limiting development in historically flooded area, removal or relocation of structures in flood-prone areas, or bioengineering measures. Structural flood hazard reduction measures should be avoided whenever possible, and when necessary should be conducted in a manner that assures no net loss of ecological functions and ecosystem-wide processes.

6. Where feasible and without creating risk to existing development, the City should encourage the removal of hard bank armoring to reestablish connectivity to the former floodplain and associated wetlands for flood water storage, habitat, and to allow for natural channel migration.
7. To minimize flood damages and maintain natural resources associated with streams; side channels, overflow corridors and other alternatives to traditional bank armoring, levees and/or dams should be considered.
8. The City should not allow new uses, the creation of new lots, or the construction of new developments where the development or use would further require structural flood hazard reduction measures in the reasonably foreseeable future.

5.8.2 Regulations

1. All development in the shoreline shall comply with the City's Areas of Special Flood Hazard ordinance (IMC 16.36), Stormwater Management Policy (IMC 13.28), Critical Area Regulations (IMC 18.10), and the National Flood Insurance Program.
2. Development in FEMA designated floodplains and floodways, channel migration areas, and/or riparian buffers shall be required to demonstrate no adverse impact on habitat for fish species listed as threatened or endangered under the federal Endangered Species Act.
3. The City shall not allow creation of new lots or approve new developments that are likely to require structural flood protection measures in the near future.
4. The City of Issaquah Areas of Special Flood Hazard Regulations, as codified in IMC 16.36 (Ordinance Number 2420, adopted on April 4, 2005, Appendix B), are herein incorporated into this Program. Any conflict between the incorporated ordinances and the SMP are resolved in favor of the regulation that is most protective of the shoreline ecological functions.

5.9 Views and Aesthetics

5.9.1 Policies

1. Shoreline uses and development should be designed and maintained to minimize obstructions of the public's views of the water.
2. Development in shoreline areas should consider the scale, arrangement and modulation of site buildings and elements to achieve a balance of open space and development.

3. Residential subdivisions, multi-family residential and commercial/industrial developments should provide shoreline view points such as viewing decks, terrace gardens, or similar viewpoints for public use.

5.9.2 Regulations

1. The City shall require new uses and developments to conform to the dimensional standards of this Program to maintain shoreline views.
2. Visual access to shorelines shall be required of new development, consistent with Section 5.3.2 of this Program.

5.10 Moorage Structures

5.10.1 Policies

1. Moorage structures including docks, piers, floats, boat launches, boat lifts, and mooring buoys should not be permitted on either Mainstem or East Fork Issaquah Creek. They should be allowed on Lake Sammamish provided they meet the all of the requirements of this Program.
2. Over-water moorage structures can impact aquatic ecosystems and fish habitat by creating overhead cover and blocking sunlight. The use of shared or joint-use docks and piers is encouraged to minimize the number of over-water structures along the shoreline.
3. Moorage structures on Lake Sammamish should not be located in known critical habitats including the mouths of Issaquah, Tibbetts, Lewis and Laughing Jacobs Creeks and wetlands.
4. Moorage structures on Lake Sammamish should be appropriate for site-specific conditions including wind and wave action, water depth, shoreline characteristics, and adjacent land and water uses.
5. New private residential boat launch ramps and rails on Lake Sammamish should be prohibited.
6. Overwater structures and mooring buoys should be located and designed to cause minimum interference with navigable waters and the public's safe use of the lake and shoreline.
7. Public and private moorage structures should be designed and constructed with appropriate mitigation to ensure no net loss of ecological processes and functions.
8. Dock/pier repair and replacement activities provide important opportunities to improve conditions along the lakeshore. The City should expedite approval of dock repair and replacement actions provided they do not increase the total area of the

existing dock/pier and provided they minimize impacts by: using materials approved by the U.S. Army Corps of Engineers and the Washington State Department of Fish and Wildlife that will not adversely affect water quality or aquatic plant and wildlife; increasing light transmission through over-water structures (e.g., use of grated decking); maximizing the height of piers above the water surface; reducing the overall number and size of pier piles; enhancing the shoreline with native vegetation; and improving shallow-water habitat

9. The type, design, and location of docks, piers, floats and lifts should be consistent with state and federal regulations.

5.10.2 Regulations

Specific regulations pertaining to moorage structures are located in Chapter 6 (6.1.5) of this Program.

5.11 Parking

5.11.1 Policies

1. Parking facilities in shorelines are not a preferred uses and should be allowed only as necessary to directly serve a permitted use in shoreline jurisdiction.
2. Parking facilities should be located landward of the principal building being served, except where the parking facility is located within or beneath a structure or where an alternate location would have less adverse impact on the shoreline.
3. Parking facilities in shoreline areas should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and wildlife habitat.
4. The City should encourage the use of Low Impact Development (LID) techniques and/or pervious materials in parking facilities, where site conditions are appropriate. Landscaping adjacent to parking should be designed to provide biofiltration functions for runoff from the parking area.

5.11.2 Regulations

1. Parking as a primary use is prohibited in the shoreline jurisdiction. Parking in shoreline areas shall be limited to that which directly serves a permitted shoreline use.
2. Parking in shoreline areas shall be located outside (landward of) the shoreline buffer.
3. Parking is prohibited in, on, or over water.

4. Parking facilities shall be located and designed to minimize adverse environmental impacts, including, but not limited to:
 - a. Stormwater runoff;
 - b. Water quality;
 - c. Visual qualities;
 - d. Light and glare; and
 - e. Public access
5. Parking areas within the shoreline jurisdiction shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. The landscaping shall preferably consist of native vegetation and comply with the landscaping provisions of IMC 18.12
6. The requirement for screening may be waived by the Director where screening would obstruct a significant view from public property or public roadway.
7. Alternatives to conventional storm water facilities, such as use of pervious materials and biofiltration landscape features, shall be considered in order to minimize impacts due to runoff and the need for storm water treatment.

5.12 Shoreline Stabilization

5.12.1 Policies

1. The use of hard structural shoreline stabilization measures such as concrete bulkheads should be minimized to reduce ecological impacts. Soft shore stabilization measures, appropriate building setbacks, drainage improvements, and/or beach enhancement are the preferred means of accomplishing stabilization objectives, unless these alternatives are demonstrated to be infeasible and hard structural stabilization is necessary to protect existing structures.
2. Proposals for shoreline stabilization should assure no net loss of ecological functions and should minimize impacts on adjacent properties, including impacts to off-site erosion, accretion, and flood damage.
3. Proposals to repair to existing shoreline stabilization structures should include measures to enhance existing conditions for fish and wildlife, water quality, water flow, and sediment transport.
4. The City should expedite approval of development projects that remove or soften bulkheads or bank armoring and revegetate the shoreline.
5. All shoreline uses and developments should be located and designed to prevent or minimize the need for shoreline protection structures (bulkheads, riprap, etc.) and

stabilization, landfills, groins, jetties or substantial site grading. The City should not allow new uses, the creation of new lots or the construction of new development where it would be reasonably foreseeable that the development or use would further limit channel migration or require structural bank stabilization.

5.12.2 Regulations

Specific regulations pertaining to shoreline stabilization and shoreline modification are located in Chapters 6 (6.1.4) and 7 (7.1.3) of this Program.

5.13 In-stream Structures

5.13.1 Policies

1. In-stream structures should only be allowed for the purpose of environmental restoration.
2. In-stream structures should provide for the protection and preservation of ecological functions and processes such as fish passage.
3. Planning and design of in-stream structures should be consistent with and incorporate elements from adopted watershed management plans, surface water management plans and restoration plans.
4. Existing in-stream structures which are failing, unnecessary, harmful, or ineffective should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.
5. Natural in-stream features such as large woody debris, snags, uprooted trees or stumps should be left in place unless it can be demonstrated that they are causing bank erosion, higher flood stages or safety hazards.

5.13.2 Regulations

Specific regulations pertaining to in-stream structures are located in Chapter 7 (7.1.3) of this Program.

5.14 Signs

5.14.1 Policies

1. Signs should be designed and located so they are compatible with the natural aesthetics of the shoreline environment and adjacent land and water uses.
2. Signs should not substantially block or otherwise materially interfere with the public's visual access to the water or shorelands.

5.14.2 Regulations

1. Signs are allowed in shoreline areas where consistent with the City's signs regulations (IMC 18.11).

5.15 Dredging

5.15.1 Policies

1. Dredging should be prohibited except when associated with a City-approved ecological restoration project or City-adopted flood hazard reduction plan.
2. Dredging of bottom material waterward of the ordinary high water mark for the primary purpose of obtaining fill or construction material should be prohibited, except when necessary for ecological restoration.
3. Minor dredging to facilitate ecological restoration or enhancement, including restoration of channel capacity for flood flows, should be allowed provided ecological impacts are minimized and the proposed activity is consistent with this Program.
4. Dredge material disposal is not allowed in water bodies, on shorelands, or in wetlands, except as part of a City-permitted shoreline restoration or habitat improvement project.

5.15.2 Regulations

1. Dredging waterward of the OHWM shall only be allowed when necessary to support the following:
 - a. A publicly sponsored ecological restoration or enhancement project that improves shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat;
 - b. A City-approved restoration and mitigation project that involves bulkhead removal and/or shoreline vegetation enhancement; or
 - c. A bio-engineered shoreline stabilization project, including bio-engineered shoreline stabilization associated with private residential developments.
 - d. Projects associated with MTCA or CERCLA habitat restoration.
2. Dredging may be permitted in Issaquah Creek for removal of gravel, sediment, or buried wood debris for flood management purposes consistent with a City-adopted flood hazard reduction plan and only after a biological and geomorphological study demonstrates that extraction has a long term benefit to flood hazard reduction,

does not result in a long-term degradation of fish habitat, and is part of a comprehensive flood management solution.

3. Dredge spoil disposal in water bodies, shorelands, or wetlands shall be prohibited, except when associated with a MTCA or CERCLA habitat restoration or as part of a City-approved shoreline restoration or habitat improvement project.
4. Proposals for dredging and dredged material disposal shall include all feasible mitigation measures to protect freshwater habitats and to minimize adverse environmental impacts (e.g., turbidity, nutrient releases, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities).

5.16 Fill and Excavation

5.16.1 Policies

1. Fill and excavation should be allowed only in association with a permitted use and where allowed should be the minimum necessary to accommodate the proposed use.
2. Filling and excavation should not be allowed where structural shoreline stabilization would be required to prevent the fill from eroding.
3. Shoreline fill and excavation should be designed and located so there will be no significant degradation of water quality, no alteration of surface water drainage, flood water storage, or conveyance capacity and no further limitation to channel migration which would pose a hazard to adjacent property or natural resources.
4. The perimeter of fill and excavation activities should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill and excavation activities and over time.

5.16.2 Regulations

1. All filling and excavation activities in the shoreline shall comply with the provisions of IMC 16.26 (Clearing and Grading), 16.30 (Erosion and Sediment Control) and this Program.
2. Fill and excavation is allowed landward of the ordinary high water mark of Issaquah Creek only in association with a permitted use. Where allowed, fill and excavation shall be the minimum necessary to accommodate the development.

3. Development that involves fill or excavation within the shoreline jurisdiction shall obtain a Shoreline Substantial Development permit or Shoreline Conditional Use Permit (as specified in Table 1 Chapter 4), unless exempt by RCW 90.58.030.
4. Fill shall be permitted only where it is demonstrated that the proposed action will not:
 - a. Result in significant ecological damage to water quality, fish, and/or wildlife habitat; or
 - b. Adversely alter natural drainage and circulation patterns, currents, creek flows or significantly reduce flood water capacities or inhibit channel migration along Issaquah Creek.
5. Before the City can permit any filling and/or excavation activities, the applicant must demonstrate all of the following:
 - a. Alternatives to filling and excavation are infeasible;
 - b. Normal surface water movement and drainage patterns shall be maintained to the maximum extent feasible;
 - c. Fill materials shall not adversely affect water quality or aquatic life;
 - d. Fill shall allow surface water penetration into the ground where such conditions existed prior to the fill;
 - e. The filling and/or excavation shall be timed to minimize damage to shoreline ecological functions and processes and aquatic life; and
 - f. Fill within the one hundred-year (100-year) floodplain shall not reduce the floodplain water storage capacity, inhibit channel migration, or in any way increase flood hazard or endanger public safety.
6. Filling waterward of the OHWM may be allowed when necessary to support the following:
 - a. Publically sponsored ecological restoration or enhancement projects;
 - b. City-approved restoration and mitigation projects that involve bulkhead removal, shoreline vegetation enhancement and/or beach creation or nourishment;
 - c. City-approved beach nourishment or in-stream habitat improvement projects may import a maximum quantity of three (3) cubic yards per year. All fill material placed waterward of the OHWM shall consist of approved materials and shall improve habitat conditions.

- d. Bio-engineered shoreline stabilization projects, including bio-engineered shoreline stabilization associated with private residential developments;
 - e. Publically sponsored non-restoration projects that provide public access or improve access to the shoreline for a substantial number of people;
 - f. Construction of public docks/piers for public water-dependent recreational use, provided that the filling and/or excavation are limited to the minimum needed to accommodate the public dock/pier; or
 - g. Expansion or alteration of public transportation facilities currently located in the shoreline where there is no feasible alternative;
 - h. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.
7. Fill or excavation shall not be located where structural shore stabilization will be required to maintain materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated, as applicable.
8. Fill activities shall be designed to blend physically and visually with existing topography whenever possible.
9. A temporary erosion and sediment control (TESC) plan shall be provided for all proposed fill and excavation activities.
10. Unavoidable impacts of filling and/or excavation shall be mitigated as required by this Program and WAC 173-26-201(2).
11. Mining and/or mineral extraction activities are prohibited within the City's shoreline jurisdiction except as part of a City approved ecological restoration plan.

5.17 Transportation Facilities

5.17.1 Policies

- 1. Transportation facilities, including new facilities and repair and improvement of existing facilities should be located, designed, constructed and maintained to have minimum impacts on shoreline resources.
- 2. New roads should be allowed only when related to and necessary for the support of permitted shoreline activities.
- 3. New transportation facilities should be located and designed to minimize the need for shoreline protection measures, modifications to natural drainage systems, and crossing waterways.

4. Shoreline restoration and public access should be considered with planning and funding of transportation projects.
5. Expansion or major improvements to existing roads within shoreline jurisdiction should improve water quality by providing stormwater treatment of existing, untreated road runoff to an extent proportional to the proposed road improvement.
6. New stream crossings should be minimized to the extent feasible and mitigate for their impacts. New culverts or bridges should be designed to allow fish passage, movement of organic material, and to accommodate a 100-year flood event. All Stream crossings should fully mitigate for their impacts.
7. Bikeways and trails for non-motorized use should be provided along roads in shoreline jurisdiction to the extent feasible, and should be considered when rights-of-way are being vacated or abandoned.

5.17.2 Regulations

1. Transportation regulations shall apply to any use or development where transportation infrastructure is or is proposed to be a primary land use, including new or expanded roadways and parking facilities.
2. Transportation uses and development shall be carried out in a manner that maintains or improves State water quality standards for receiving waters through implementation of state and City stormwater regulations.
3. New transportation facilities and improvements to existing transportation facilities, not including public trails, shall be located outside of the shoreline buffer, unless there is no feasible alternative. Any required impacts within the shoreline buffer shall meet standards of mitigation, as specified by this Program.
4. Bridges are the preferred method for crossing streams and shall be designed to span the Ordinary High Water Mark (OHWM). New roads shall be located to minimize the need for routing surface waters into and through culverts.
5. New transportation facilities shall be located and designed to preclude the need for shoreline stabilization and structural flood protection.
6. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading and alteration of topography and natural features. Roadway and driveway alignment shall follow the natural contours and minimize width to the maximum extent feasible.

5.18 Utilities

5.18.1 Policies

1. New public or private utilities including utility production and processing facilities and transmission facilities, should be located outside of the shoreline area unless they are required for an authorized shoreline use, or they have a water-dependent component such as a water intake or outfall, or water crossings that are unavoidable.
2. Utilities should be located in existing improved rights-of-way and corridors wherever possible. Joint use of rights-of-way and corridors should be encouraged.
3. New utility facilities should be located and designed to preserve natural shoreline features and to avoid public recreation and public access areas and significant historic, archaeological or cultural resources.
4. Utility facilities and corridors should be located to protect scenic views. Wherever possible, utility facilities should be placed underground or alongside or under bridges.
5. New utility facilities should be located so they do not require extensive shoreline protection.
6. Maintenance or improvements to existing utilities should minimize additional impacts on the shoreline environment and, if possible, correct past impacts caused by a utility.

5.18.2 Regulations

1. New utility uses or developments shall not be allowed in the shoreline unless they are required for an authorized shoreline use, or they have a water-dependent component such as a water intake or outfall, or water crossings that are unavoidable. Water-dependent components shall not require buffer setbacks.
2. Utility production and processing facilities and transmission facilities shall locate outside of the shoreline jurisdiction, unless no other feasible alternative exists.
3. Utility developments shall be located and designed so as to avoid or minimize the use of structural shoreline stabilization.
4. Utility facilities shall provide for multiple use of sites and rights-of-way, except in instances where multiple use would unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.

5. Improvements or expansions of existing utility uses and development in the shoreline shall be allowed provided they do not result in loss of ecological functions, all impacts are mitigated, and that they comply with all other provisions of this Program.
6. When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.
7. Conveyance utilities shall be placed underground or alongside or under bridges except where the presence of bedrock or other obstructions make such placement infeasible or where such placement would cause substantial environmental impact.
8. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
9. New underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, except in situations where no other feasible alternative exists. In those limited instances when permitted, automatic shut-off valves shall be provided on both sides of the water body.
10. Clearing of vegetation for the installation or maintenance of utilities shall be minimized and disturbed areas shall be restored following project completion consistent with the requirements of City stormwater management regulations and all other provisions of this Program.

CHAPTER 6. LAKE SAMMAMISH SHORELINE POLICIES AND REGULATIONS

6.1 Residential Use and Development

6.1.1 Policies

1. Single-family residences and their appurtenant structures are a preferred shoreline use when developed in a way that controls pollution and prevents damage to the shoreline environment.
2. Residential development should be designed to preserve or improve existing shoreline vegetation, control erosion, protect water quality using best management practices, and should use low impact development techniques where site conditions are appropriate.
3. Accessory structures such as accessory dwelling units, swimming pools, sport courts and other structures should be located and designed to minimize impervious surface and be visually and physically compatible with adjacent shoreline features.
4. New residential development should maintain adequate building setbacks and natural vegetated buffers to protect and restore ecological functions and processes, to preserve views, and to minimize use conflicts.
5. Property owners wishing to expand or modify existing residences within shoreline jurisdictions should enhance shoreline vegetation and/or improve shoreline conditions in a manner that offsets the impacts of the proposed expansion or modification.
6. The City should provide incentives to encourage voluntary enhancement and restoration of high-functioning vegetated buffers and natural or semi-natural shorelines.
7. Development should at a minimum achieve no net loss of ecological functions necessary to sustain shoreline natural resources, even for exempt development.

6.1.2 Use Regulations

1. All residential uses and developments shall comply with the standards included in Table 2 in Chapter 4.
2. Single-family residential use is a preferred shoreline use and shall be permitted on Lake Sammamish when allowed by the underlying zoning (IMC 18.06) and consistent with this Program and the Act.

3. Multi-family Residential development shall be permitted on Lake Sammamish when allowed by the underlying zoning (IMC 18.06) and consistent with this Program and the Act.
4. New residential development, including normal appurtenances and accessory structures shall be prohibited in, on, or over water or within floodways. This shall not apply to docks, piers, lifts and floats allowed pursuant to IMC 6.1.3(6).
5. Floating homes and live-aboards shall be prohibited.
6. As mandated by the RCW 90.58.320, no shoreline permit may be issued for any new or expanded building or structure of more than thirty five (35) feet above average grade level on shorelines that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where overriding considerations of the public interest will be served. A variance shall be required for exceptions to the height standard.
7. Residential development and normal appurtenances, such as garages, decks, driveways, and fences shall be located sufficiently landward of the ordinary high water mark to preclude the need for new structural shoreline stabilization and/or flood protection during the useful life of the structure.
8. Subdivision shall be permitted only when all created lots have a minimum upland lot area of at least six thousand square feet per IMC 18.13.400 and IMC 18.07.360.
9. The City shall not allow the creation of any new lots that are likely to require structural shoreline stabilization or flood protection in the foreseeable future. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and ecological functions will be maintained or improved.

6.1.3 Shoreline Buffers and Setbacks

Lake Sammamish Buffer –A 35-foot wide vegetated shoreline buffer and 15-foot building setback shall be required to protect the lake from adverse effects of development. The buffer may be reduced to a minimum of 10 feet with removal of an existing bulkhead, per Section 6.1.3.3. Development must locate a minimum of 25 feet landward of the OHWM.

Exceptions to the Standard Shoreline Buffer

- a. Common Line Setback Based on Adjacent Development - The City may allow the standard shoreline buffer to be adjusted without a shoreline variance in the following situations:

- i. Where there are existing legally established residences that are located waterward or partially waterward of the established shoreline buffer and building setback, within fifty (50) feet of either side of the proposed residence. In such cases, the City may reduce the required shoreline buffer and building setback for new development/redevelopment so that the proposed residence has a view of the shoreline that is adequate and similar to adjacent residences. The proposed residential structure shall be set back from the OHWM to a common line drawn between the nearest corners of each adjacent residence.
- ii. In those instances where only one existing single-family residence is within fifty (50) feet of the proposed residence, the City may reduce the shoreline buffer and building setback for new development/redevelopment of the proposed residence to a line drawn between the nearest corner of the existing adjacent residence and the nearest applicable setback for the adjacent vacant parcel.
- iii. Where the existing legally established residences on either side of the proposed residence are located more than fifty (50) feet from the proposed residence, the City may require more than the standard shoreline buffer and building setback so the proposed residence does not block the view of the adjoining properties. In such cases, the proposed residential structure shall be set back from the OHWM to a common line drawn between the nearest corners of each adjacent residence.

Buffer Reduction with Bulkhead Removal

- a. The standard shoreline buffer may be reduced from 35 feet to a minimum of 10 feet if a property owner removes an existing bulkhead and replaces it with natural softshore stabilization in accordance with Army Corps of Engineers (ACOE) and National Marine Fisheries Service (NMFS) standards for shoreline restoration. A 15-foot building setback is required landward of the buffer; therefore development may locate a minimum of 25 feet landward of the OHWM with removal of a bulkhead.
- b. Approval of this shoreline buffer reduction shall be contingent on a City approval of a bulkhead removal and shoreline restoration plan. The Planning Director / Manager shall make final decisions on approval of buffer reduction requests based on the information provided and compliance with the provisions of this Program.
- c. An approved buffer reduction granted by the City as the result of a bulkhead removal may be held as a credit for up to five (5) years and used to reduce

the standard shoreline buffer for future onsite construction projects in accordance with Chapter 5 of this Program (5.6.2).

New Residential Development and Redevelopment

- a. New residential development, including principal structures and all associated impervious surfaces, shall be located landward of the shoreline buffer plus the 15-foot building setback except as specified in this Program or with the approval of a shoreline variance.
- b. Proponents of new residential development shall enhance eighty percent (80%) of shoreline buffer area by planting native woody species. The remaining twenty percent (20%) may be retained as an 'active use' area (See Figure 3). The City shall require the development proponent to prepare a buffer enhancement plan subject to City approval. The following measures shall guide the development of the enhancement plan:
 - i. Assuming one gallon sized plant material, trees should be planted with 20 foot spacing and shrubs should be planted with 4 foot spacing.
 - ii. All invasive, nonnative vegetation shall be removed.
 - iii. All existing impervious area shall be removed from the shoreline buffer, except for shoreline access trails and water-oriented accessory structures as specified in this Program.
 - iv. Existing native vegetation may count toward the desired plant density.

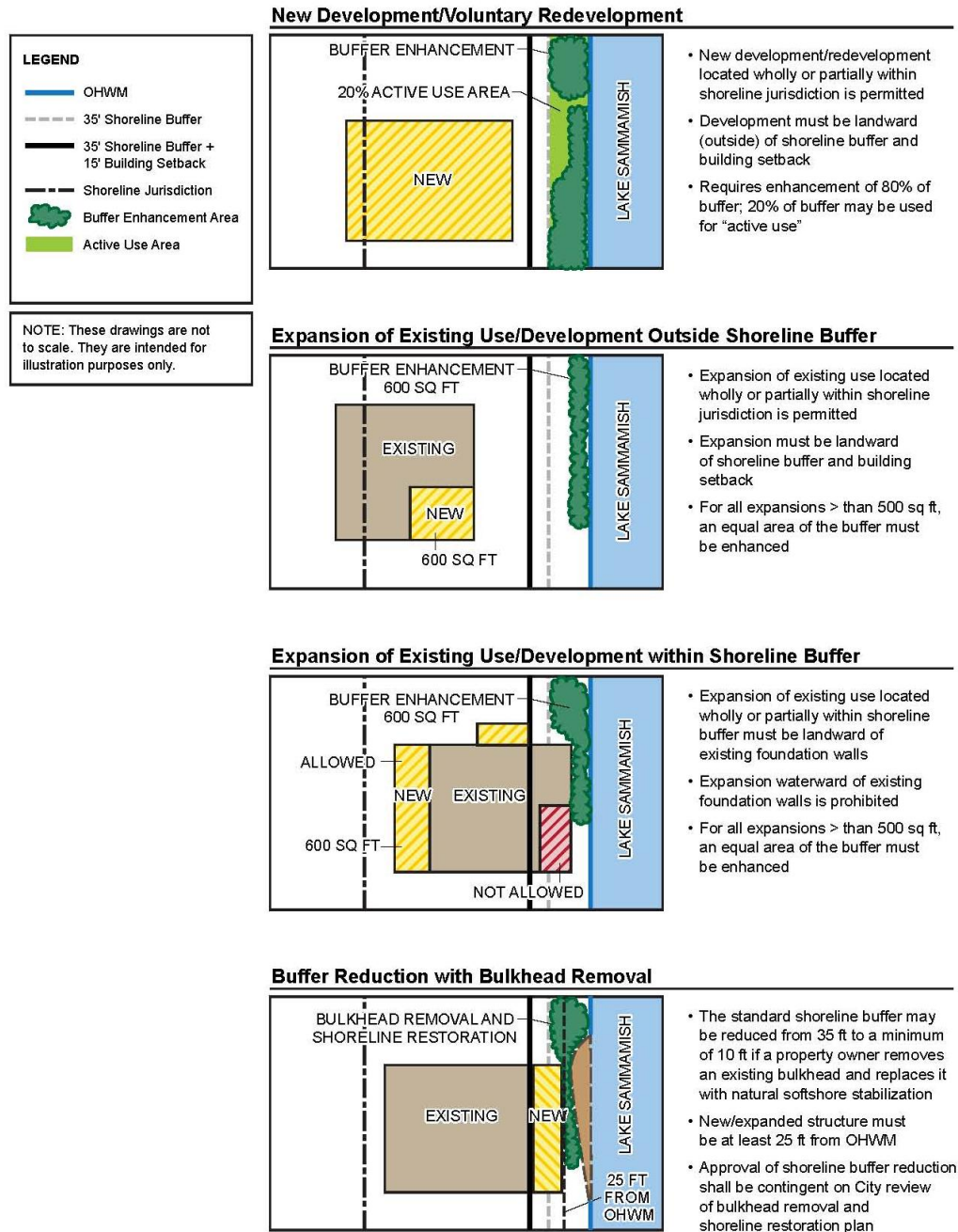
Expansion and Modification of Existing Residential Development

- a. An existing legally established residential structure (including principal structures and all associated impervious surfaces) located wholly or partially within shoreline jurisdiction may be modified or expanded without a shoreline variance provided that the expansion/modification is located landward of the shoreline buffer (see Figure 3). In such cases, the following shall apply:
 - i. If the residence is located wholly landward of the shoreline buffer and building setback, the expansion/modification may occur on the waterside of the structure provided it does not extend into the buffer or building setback.
 - ii. If any portion of the residence is located waterward of the shoreline buffer and building setback, the expansion must occur landward of the shoreline buffer and building setback.
 - iii. If the expansion/modification adds more than 500 square feet of impervious surface, including the primary structure and all accessory structures and

appurtenances, the proponent shall be required to enhance an equal area of the shoreline buffer with native vegetation. This standard shall apply to the total of all new impervious surface area added in any 5 year period. Expansions/modifications of 500 square feet or less shall not require vegetation enhancement.

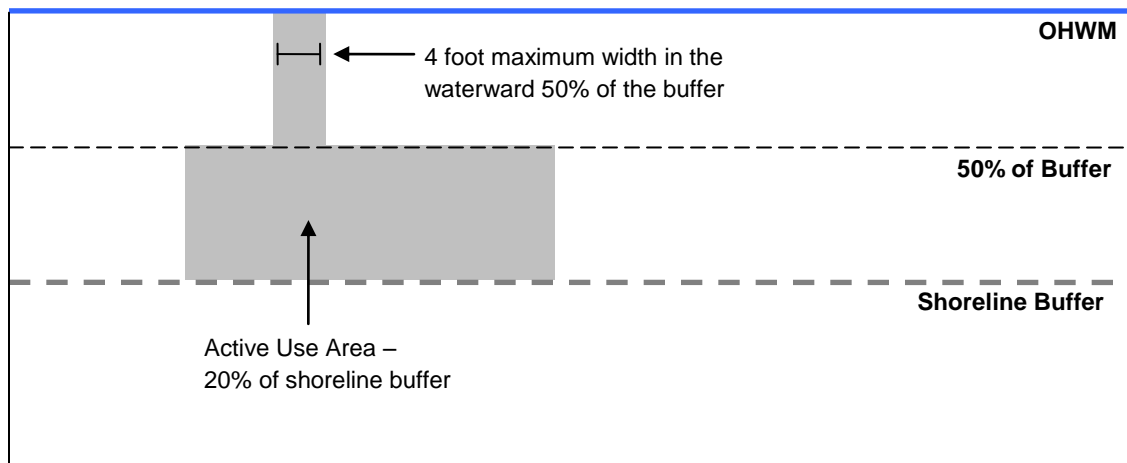
- iv. If the proponent removes impervious surface waterward of the shoreline buffer and building setback, the area (square feet) of removed impervious surface may be deducted from the total of new impervious surface area. If the reduction decreases the total amount of new impervious surface below 500 square feet, no buffer enhancement shall be required.

Figure 3
Development and Expansion on Lake Sammamish



Allowed Uses Within Shoreline Buffers

- a. Active Use Area - Twenty percent (20%) of the total shoreline buffer area may be used for lawns, water access, or any other 'active use'. The active use area is not required to be maintained in a naturally vegetated condition. The active use area shall remain free of structures and impervious surfaces except for accessory structures expressly allowed by this Program. The active use area shall not exceed four hundred (400) square feet. The maximum width of the active use area in the waterward 50 percent of the shoreline buffer shall not exceed 4 feet as illustrated below:



- b. Shoreline Access Trail - A 4-foot wide trail constructed of pervious or impervious materials may be located in the active use area of the buffer to provide access to the shoreline or to a dock.
- c. Water-dependent and water-related accessory structures - Water-dependent and water-related accessory structures may be allowed waterward of the shoreline buffer and building setback without a shoreline variance as follows:
- Residential moorage structures such as docks, piers, floats and/or lifts allowed pursuant to this Program; and
 - Water-dependent and water-related accessory structures, excluding accessory dwelling units, provided that the total footprint is one hundred fifty (150) square feet or less and the structure height is fifteen (15) feet or less above existing average grade level. Accessory structures shall not be located within wetlands or their buffers and shall minimize impacts on existing vegetation.
- d. Existing Landscape Maintenance - Routine maintenance of existing, established landscaping is allowed. For purposes of this section, routine maintenance

includes mowing grass, normal pruning and trimming of landscape plants, planting of annuals, perennials fruits and vegetables, and weeding and removal of invasive plant species. The removal of significant trees from shoreline buffers or within shoreline jurisdiction is not routine maintenance and must follow standards and regulations of this Program, the Critical Areas Regulations (IMC 18.10) and Landscaping and Tree Preservation (IMC 18.12).

6.1.4 Shoreline Stabilization Regulations

Shoreline Stabilization

1. Bioengineered shoreline stabilization (also known as bio-stabilization) is the preferred method for stabilizing shorelines and must be considered prior to hard structural stabilization measures.

New Bulkheads or Expansion of Existing Bulkheads

2. For purposes of this section, expansion includes additions and increases in size, height, width, length or depth to an existing bulkhead or shoreline stabilization measure.
3. New bulkheads and expansions of existing bulkheads shall incorporate features that minimize adverse effects on nearshore habitat, salmon spawning and migration, and water quality. Such features shall include native vegetation, beach coves, incline gravel fill, large wood, rocks and other techniques that have been shown to mitigate the effects of bulkheads on shoreline ecology. The City will approve so-called 'Green Shoreline' approaches consistent with Army Corps of Engineers (ACOE) shoreline protection alternatives guidance (SPAG) or National Marine Fisheries Service (NMFS) standards.
4. The City shall not approve new bulkheads, concrete walls, and similar hard structures unless there is conclusive evidence that such structures are deemed necessary to protect:
 - a. Existing single-family residences are in danger of shoreline erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage, such that there is a significant possibility that such a structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions; or
 - b. Public structures on public lands that provide public access for substantial numbers of people; or

- c. Projects whose primary purpose is remediating hazardous substances pursuant to RCW 70.105 when non-structural approaches such as vegetation planting and/or onsite drainage improvements are not feasible or do not provide sufficient protection.

Information Required for New Bulkheads or Expansion of Existing Bulkheads

- 5. To assess compliance with the provisions of this section, the Planning Director/Manager shall require the applicant or project sponsor to provide technical reports as follows:
 - a. Site information - Describe existing topography, existing on-site and adjacent development, and location of abutting bulkheads;
 - b. A geotechnical analysis prepared by a Washington State licensed engineer and/or licensed geologist or engineering geologist shall include:
 - i. An assessment of the cause of erosion looking at upland conditions such as drainage problems and lack of vegetation, and waterward processes such as erosion resulting from wave action; and
 - ii. An assessment of the necessity for hard structural stabilization by estimating time frames and rates of erosion; and
 - iii. Documentation of the urgency of the specific situation.
 - c. An assessment prepared by a qualified professional evaluating the feasibility of using alternatives to hard structural shoreline stabilization measures including increasing building setbacks, planting vegetation, installing on-site drainage improvements, use of nonstructural measures and/or bioengineered shoreline stabilization measures.
 - d. Design recommendations to minimize impacts to sediment transport and to ensure no net loss of ecological functions. Recommendations shall address planting native vegetation, incorporating large wood, importing beach gravel or other techniques to mitigate the effect of bulkheads on shoreline ecology.

Replacement or Major Repair of Existing Shoreline Stabilization Structures

- 6. For purposes of this section, replacement or major repair of an existing shoreline stabilization structure includes: a repair need to an existing stabilization structure which has eroded away, collapsed, or demonstrates a loss of structural integrity; where a repair requires modification of the toe rocks or footings of 50% or more of the linear length of the shoreline stabilization structure; repair or replacement

of more than 75% of the linear length of the top or middle course rocks of an existing hard structural shoreline stabilization structure.

7. An existing shoreline stabilization structure may be replaced with a structure in the same location with similar dimensions and materials provided the following criteria are met:
 - a. There is a demonstrated need to protect primary uses or structures from erosion caused by currents or waves;
 - b. An assessment of the necessity for hard structural shoreline stabilization shall include consideration of site-specific conditions such as orientation of the shoreline, location of nearest structures, water depth, wave fetch, etc. The assessment shall be prepared by a qualified professional, but not necessarily a licensed engineer;
 - c. Alternatives to structural shoreline stabilization shall be evaluated including nonstructural measures, native plant vegetative stabilization, and other forms of bioengineering and bio-stabilization;
 - d. Design recommendations to minimize impacts and to ensure no net loss of ecological functions. Recommendations shall address planting native vegetation, incorporating large wood, importing beach gravel or other techniques to mitigate the effect of bulkheads on shoreline ecology.
8. Replacement shoreline stabilization shall not encroach waterward of the ordinary high water mark or the existing stabilization structure unless the primary use being protected is a residence that was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the landward side of the existing shoreline stabilization structure.
9. Existing shoreline stabilization structures that are being replaced shall be removed unless removing the structure will cause more environmental harm than leaving it in place.

Minor Repairs of Hard Shoreline Stabilization Structures

10. Minor repairs of hard shoreline stabilization structures include maintenance and repair activities not otherwise addressed in the sections above. Minor repair and maintenance of existing shoreline stabilization structures shall be allowed.

Construction Standards for Shoreline Stabilization Structures

11. When allowed pursuant to the provisions of this Program, structural shoreline stabilization must meet all of the following requirements:

- a. The length of hard structural shoreline stabilization structures shall be minimized to the extent feasible. It shall be limited to the portion of a site where necessary to protect the primary structure/use and/or to connect to existing hard structural shoreline stabilization structures on adjacent properties.
 - b. For replacement, expansion or repair of hard structural shoreline stabilization structures, excavation and fill activities shall be conducted landward of the existing OHWM, except when not feasible due to site conditions, or for the enhancement of shallow water habitat with gravel, logs or rock.
 - c. Short-term construction activities shall minimize and mitigate adverse impacts to ecological functions use of best management practices to prevent water quality impacts related to upland or in-water work, following seasonal timing restrictions, and stabilizing soils following construction.
- 12. Bulkheads and other similar hard stabilization structures shall be located so as to tie in flush with existing bulkheads on adjoining properties, except in instances where the adjoining bulkheads do not comply with the design or location requirements set forth in this Program.
 - 13. Shoreline stabilization shall be designed and constructed with gravel backfill and weep holes so that natural downward movement of surface or ground water may continue without ponding or saturation.
 - 14. Stairs or other permitted pedestrian access structures may be built into a bulkhead but shall not extend waterward of it.
 - 15. Gabions shall not be used to stabilize shorelines because of their limited durability and the potential hazard to shoreline users and the shoreline environment.
 - 16. No motor vehicles, appliances, similar structures nor parts thereof, nor structure demolition debris, nor any other solid waste shall be used for shoreline stabilization.

Prohibited Shoreline Stabilization

- 17. Breakwaters, jetties, groins and similar structural modifications shall be prohibited.
- 18. Subdivisions shall be designed to assure that future development of the established lots will not require structural shoreline stabilization. Use of a bulkhead or similar structure to protect a platted lot where no structure presently exists shall be prohibited.

6.1.5 Moorage Regulations – Docks, Piers, Floats, Moorage Buoys, Boatlifts and Canopies

General

1. Moorage structures such as docks, piers, floats, boat/water craft lifts may only be developed and used accessory to dwelling units on waterfront lots or upland lots with waterfront access rights. Use of moorage structures is limited to residents and guests of the waterfront lots to which the moorage is accessory.
2. No dwelling unit may be constructed on a pier, dock, float or other moorage structure. No pier, dock, float or other moorage structure may be used as a residence.
3. Moorage structures require permits or approvals from one or more of the following state and federal agencies: the Washington Department of Fish and Wildlife (WDFW), Washington Department of Ecology (DOE), Washington Department of Natural Resources (DNR), or U.S. Army Corps of Engineers (ACOE). All new, replaced, expanded or repaired moorage structures shall comply with applicable state and federal laws and regulations, in addition to the provisions of this program. Documentation verifying state and federal agency approvals may be required by the City prior to issuance of building permits.

New Residential Moorage Structures

4. Each residential lot shall be allowed to have a maximum of one of each of the following: one dock/pier, one boat lift, one float, and one jet ski/personal watercraft lift. For two or more adjoining residential lots utilizing a joint-use dock/pier, the limits shall be no more than: one joint-use dock/pier, two boat lifts, one float, and two jet ski/personal watercraft lifts.

Development and Construction Standards for Moorage Structures

5. Moorage structures shall be located the maximum distance feasible from the outlet or mouth of any regulated stream entering Lake Sammamish.
6. Setbacks for Moorage Structures - Piers, docks, floats, boat lifts, and personal watercraft lifts shall be located a minimum of fifteen (15) feet from the waterward extension of side property lines. Joint-use piers, docks, lifts and floats may abut property lines for the common use of adjacent property owners when mutually agreed to by the property owners in a contract recorded with the King County division of records and elections. Swimming float lines are allowed in the setback to demarcate swimming areas safe from boating activity.
7. Dock and Pier Length – The maximum waterward extent of any new, replaced or reconstructed dock or pier shall be no longer seventy (70) feet or the length

needed to reach a depth of eight (8) feet (as measured from the ordinary high water mark).

8. Dock and Pier Area - The total dock area shall not exceed four hundred and eighty (480) square feet for residential docks serving one lot. Residential docks serving two (2) or more property owners shall have a maximum total dock area of seven hundred (700) square feet where there is a shared use agreement.
9. Dock and Pier Width - The maximum width for pier and dock walkways shall be four feet for the first 30 feet from the OHWM. No dock or pier walkway may exceed six (6) feet in width.
10. Dock Height - The top surface of docks and piers shall have a minimum height of 1.5 feet and a maximum height of 4 feet, as measured from the ordinary high water mark (OHWM).
11. Location of ells, fingers and deck platforms - No closer than thirty (30) feet waterward of the ordinary high water mark (OHWM). Only docks/piers and ramps shall be allowed within 30 feet of the OHWM. Ells, fingers and deck platforms shall not extend further waterward than the primary dock or pier.
12. Ells - Maximum 6 feet wide and 20 feet long.
13. Decking - The decking of all docks, piers, and ells shall be grated to allow a minimum of forty percent (40%) light transmittance.
14. Skirting - No skirting shall be allowed on any moorage structure.
15. Boatlift Canopy or Covers - One boatlift canopy per residential lot is allowed provided that the canopy is made of translucent material. The bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent feasible. The lowest edge of the canopy shall be a minimum of four (4) feet above the OHWM and a maximum of seven (7) feet above the associated dock or pier. No new covered pier, dock, or float shall be permitted. Existing canopies or covers on existing moorage structures may be repaired and maintained provided that the size of the cover does not increase and provided that any replacement cover is made of translucent material.
16. Materials - All structures that may come in contact with water shall be constructed of concrete, steel, or other approved materials. Materials used for pilings, dock decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies. ACZA treated wood must meet Post-Treatment Procedures.

17. Vegetation Enhancement Required - Construction of a new dock, or replacement or major repair of an existing dock shall meet the following measures:
 - a. Emergent vegetation shall be planted waterward of the OHWM, unless the City determines it is not appropriate or feasible.
 - b. Native riparian vegetation consisting of a mix of trees, shrubs and groundcover shall be planted in the nearshore area along the water's edge. The vegetated nearshore riparian area shall include a minimum of eighty percent (80%) of the entire lot width and shall average ten (10) feet in depth from the OHWM. The width of the planting area may be averaged to allow for variation in the landscape bed shape and plant placement; provided the planting area maintains a minimum five (5) foot width and the total square footage of the required vegetated nearshore riparian area is provided. The City shall accept existing native trees or shrubs in the nearshore riparian area to meet requirements of this section.
18. The use of fill to construct docks and piers shall only be allowed pursuant to the requirements of the Dredging, and Fill and Excavation regulations of this Program.
19. Any utility lines serving a pier or dock shall be located below the pier deck or underground.
20. Administrative Approval of Alternative Construction Standards for Docks and Piers
The City may approve modifications to the development and construction standards for replacement of existing docks and piers in this section, consistent with the following limits (a, b, c), and provided an applicant demonstrates an alternative project design is approved by the U.S. Army Corps of Engineers and/or the Washington State Department of Fish and Wildlife. An applicant must also demonstrate that an alternative project design would not result in negative impacts on ecological functions.
 - a. Maximum square footage: no larger than existing pier or dock.
 - b. Decking materials, including requirements for minimum of 40% light transmittance, for all docks, piers and ells, consistent with this Chapter.
 - c. Dock and pier walkway width shall not exceed 4 feet for the first 30 feet from the OHWM, consistent with this Chapter.

Replacement or Major Repair of Existing Residential Moorage Structures

21. For purposes of this section, the replacement or major repair of an existing residential moorage structure includes: the replacement of entire existing dock or pier including pier-support piles, OR more than fifty percent (50%) of the existing

pier-support piles with more than 50% of the existing decking and decking support structure.

22. Replacement or major repair of existing docks or piers shall meet the development and construction standards in section 6.1.5.5.

Additions or Enlargement of Existing Residential Moorage Structures

23. Additions or enlargements of existing residential moorage structures shall comply with the dimensional standards for docks and piers in section 6.1.5, including setbacks for moorage structures, dock length, dock area, dock width, dock height, dock materials, and standards for the location of ells, fingers and deck platforms.
24. The decking for additions and enlargements of piers, docks, walkways, ells and fingers shall be grated to allow a minimum of forty percent (40%) light transmittance.
25. Existing skirting shall be removed and may not be replaced.
26. Existing floats, ells, fingers and deck platforms located within thirty (30) feet of the OHWM shall be removed at a 1:1 ratio to the area of the addition.

Minor Repairs of Existing Residential Moorage Structures

27. Repairs limited to replacing less than fifty percent (50%) of existing decking, decking substructure, and the existing pier-support piles shall comply with the following requirements:
 - a. Repairs to decking – Where more than fifty percent (50%) of existing decking is replaced, the new deck materials shall be grated to allow a minimum of forty percent (40%) light transmittance. All solid decking located within thirty (30) feet of the OHWM shall be replaced with a grated deck material allowing a minimum of forty percent (40%) light transmittance.
 - b. Repairs to piles - Repairs to existing piles shall use materials approved for in-water use, as described in section 6.1.5.5. Applicants replacing piles shall minimize the diameter of the piles and maximize the spacing between piles to the extent feasible per site-specific engineering and design considerations.
28. Floats – Residential floats or over-water platforms shall not exceed sixty (60) square feet in area and must be in water depths of at least eight (8) feet.
29. Boat Launches - New launch ramps and rails associated with private residential development shall be prohibited on the Lake Sammamish shoreline. Existing launch ramps or rails shall be removed with installation of new piers or docks, unless the applicant can demonstrate hardship.

Moorage Buoys

30. Moorage buoys needed for vessels used for construction of shoreline facilities are only permitted on a temporary basis. Upon termination of the project, aquatic habitat shall be restored to the original (pre-construction) within one (1) year.
31. Moorage buoys installed for recreational purposes may be permitted provided they are consistent with this Program and can meet the following criteria:
 - a. Moorage buoys require permits or approvals from the following state and federal agencies: Washington Department of Fish and Wildlife (WDFW), Washington Department of Natural Resources (DNR), and the U.S. Army Corps of Engineers. The installation and use of moorage buoys shall comply with all applicable state and federal laws and regulations.
 - b. Mooring buoys shall be located, spaced and oriented to not pose a hazard or obstruction to navigation, fishing, pleasure boating, or swimming activity.
 - c. Mooring buoys and the swing path of attached boats shall not encroach onto adjacent properties, or into the water-ward extension of lot lines of adjacent properties, and shall not impede the ability of other property owners to access their property.
 - d. The number and location of moorage buoys shall consider the ability of the abutting upland area to accommodate the necessary support facilities such as parking, boat access, etc.
 - e. Mooring buoys shall be located to avoid sensitive aquatic and nearshore habitat areas and shall not result in the degradation of water quality or habitat areas.
 - f. Mooring buoys shall not be used for residential purposes (living on the boat).

6.2 Public Recreational Use and Development

6.2.1 Policies

1. The City should provide diverse water-dependent and water-related recreation opportunities that are convenient and adequate for the community and that preserve shoreline resources.
2. The City should plan for shoreline recreation facilities to serve projected growth and level of service standards, in accordance with the Comprehensive Plan and the Parks, Open Space and Recreation Plan.

3. Recreational uses in shoreline areas should be located where the uses would not result in a net loss of shoreline functions and processes or impact neighboring uses.
4. The City should integrate recreational elements into other regional parks and trail systems.
5. The City should encourage cooperation among public agencies, non-profit groups and private landowners and developers to increase and diversify recreational opportunities.
6. Public recreational development should be located where existing infrastructure (roads and utilities) are adequate, commensurate with the number and concentration of anticipated users.
7. Public boat launches on Lake Sammamish should be located at publicly accessible sites with suitable environmental conditions and should avoid impacts to critical habitat areas.
8. Regional needs for public boat launches for motorized boats or large watercraft should be coordinated with other jurisdictions and recreation providers, including the Washington State Parks Department, adjacent cities and King County to avoid unnecessary duplication and to efficiently provide recreational opportunities.

6.2.2 Use Regulations

1. All Public Recreational Use and Development shall comply with the standards included in Table 2 in Chapter 4.
2. Public water-oriented recreational development is a preferred shoreline use and shall be allowed on Lake Sammamish when consistent with underlying zoning pursuant to IMC 18.10, this Program, and the Act.
3. Public recreational activities and facilities located within shoreline jurisdiction shall be water-oriented, and shall provide physical or visual access to the shoreline.
4. The following water-oriented public recreational structures may be allowed waterward of the shoreline buffer and building setback as indicated in section 5.6.2 of this Program without a shoreline variance:
 - a. Public docks, piers, and/or floats allowed pursuant to section 6.2.4 of this Program.
 - b. Public picnic shelters and similar facilities for water enjoyment uses provided that such structures are prohibited in wetlands and streams, or in, on or over water. Structures for water enjoyment uses are permitted in the outer fifty

percent (50%) of a stream buffer, provided that the maximum total footprint of all structures shall not exceed 10% of the total buffer area and that no structure exceeds fifteen (15) feet above existing average grade level.

- c. Public swimming beaches when consistent with the provisions of this Program
 - d. Public boat launches when consistent with the regulations for boat launches and pursuant to all other the provisions of this Program.
- 5. Non-water-oriented public recreational development shall be located outside of the shoreline buffer and building setback, as specified in this Program.
 - 6. Public recreational developments shall provide for non-motorized access to the shoreline (e.g., pedestrian and/or bicycle paths), unless such access is infeasible due to public health and safety considerations.
 - 7. Proposals for public recreational developments shall comply with the vegetation conservation provisions of this Program.

6.2.3 Shoreline Stabilization Regulations

The shoreline stabilization regulation listed under 6.1.3 shall also apply to Public Recreational Uses in the Lake Sammamish Shoreline.

6.2.4 Public Moorage and Boating Facility Regulations

General

- 1. Public docks, piers, lifts, floats, buoys accessory to public recreational use/development must be constructed of state and federally approved materials and meet all of the requirements of this Program.
- 2. All new public docks, piers and floats on Lake Sammamish shall be allowed provided they receive a permit from and comply with the standards of the U.S. Army Corps of Engineers and the Washington State Department of Fish and Wildlife and comply with all other provisions of this Program.
- 3. The use of fill to construct docks and piers shall only be allowed pursuant to the requirements of the Dredging, and Fill and Excavation regulations of this Program.
- 4. Any utility lines serving a public pier or dock shall be located below the pier deck or underground.
- 5. No public pier, dock, float, or in-water/overwater moorage structure shall not be located closer than fifteen (15) feet from the side property line extended. Swimming float lines are allowed in the setback to demarcate swimming areas safe from boating activity.

6. Launch ramps and rails associated with public recreational uses on public lands shall be allowed as a conditional use.

CHAPTER 7. ISSAQUAH CREEK AND EAST FORK ISSAQUAH CREEK SHORELINE POLICIES AND REGULATIONS

7.1 Commercial and Industrial Use and Development

7.1.1 Policies

1. The City should give first preference to water-dependent commercial and industrial uses over non-water-dependent commercial and industrial uses; and give second preference to water-related and water-enjoyment commercial and industrial uses over non-water-oriented commercial and industrial uses.
2. Commercial and industrial development should be designed and located to prevent net loss of shoreline ecological functions and should not have adverse impacts on other shoreline uses, public access or recreation.
3. Commercial and industrial development should be required to provide physical or visual access to the shoreline wherever possible, unless such access creates a risk to public safety, interferes with permitted uses or would result in adverse ecological impacts.
4. Non-water-oriented commercial and industrial uses should be allowed on the shoreline only when they benefit the public by providing public access and restoring shoreline ecology. This policy does not apply to sites which are physically separated from the shoreline by other properties or public rights-of-way.
5. Commercial and industrial development should be visually compatible with adjacent noncommercial properties.
6. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

7.1.2 Use Regulations

1. All Commercial and Industrial Use and Development shall comply with the standards included in Table 2 in Chapter 4.
2. Water-oriented (including water-enjoyment) commercial and industrial uses and developments shall be allowed in shoreline jurisdiction when allowed by the underlying zoning (IMC 18.06) and when consistent with this Program.

3. New or redeveloped non-water-oriented commercial and industrial uses shall be allowed in shoreline jurisdiction when allowed by the underlying zoning (IMC 18.06) and when:
 - a. The site is physically separated from the shoreline by another property or public right of way; or
 - b. The use is part of a mixed-use project that includes an associated water-dependent or water-related commercial/industrial use; or
 - c. The use includes public access and ecological restoration including removing shoreline armoring and enhancing shoreline vegetation. The City shall determine the appropriate type and extent of public access and ecological restoration required based on the type of development and the existing site conditions.
4. Commercial and industrial development, including all accessory structures shall be prohibited in, on, or over water or within floodways.

Shoreline Buffers and Setbacks

5. Issaquah Creek/ East Fork Issaquah Creek Buffer – In accordance with Section 5.6.2 of this Program, a 100-foot wide vegetated shoreline buffer and 15-foot building setback shall be required to protect the creeks from adverse effects of development.

New Commercial/Industrial Development

6. All new and redeveloped structures, accessory facilities, and any impervious surfaces shall be located outside (landward of) the shoreline buffer unless otherwise stated in this Program or approved with a shoreline variance. For the purposes of this subsection, accessory development may include, but is not necessarily limited to the following: parking; open air storage; waste storage; utilities; and stormwater detention or treatment facilities.

Expansion and Modification of Existing Commercial/Industrial Development

7. Existing commercial and industrial structures may be expanded, repaired, remodeled, or renovated. Expansion of existing structures, accessory facilities, or new impervious surface area shall comply with the following provisions:
 - a. Expansion of existing structures, accessory facilities, or new impervious surface area shall be located landward of the standard shoreline buffer and building setback as specified in section 5.6.2 of this Program.

- b. Expansion of a legally established commercial or industrial use or development located wholly or partially within the standard buffer shall not extend waterward of the existing foundation walls or existing impervious surface area. If the expansion involves greater than 500 square feet of new impervious surface area, the proponent shall enhance an equivalent area of shoreline buffer (1:1 ratio).

Allowed Uses within Shoreline Buffers

- 9. Water-enjoyment features, including outdoor walkways, patios, view platforms, trails and similar public spaces, associated with commercial or industrial uses that provide physical or visual public access to the creeks and promote the shoreline as an amenity shall be allowed in the shoreline buffer as follows:
 - a. Water-enjoyment features shall be accessory to a permitted commercial or industrial use;
 - b. Water-enjoyment features shall be allowed in the outer fifty percent (50%) of the shoreline buffer and limited to ten percent (10%) of the total buffer area;
 - c. The walkway, patio, or similar feature is located and designed to avoid substantial clearing of mature trees and woody vegetation within the buffer;
 - d. The property owner prepares and the City approves a buffer management plan for the site that is designed to mitigate adverse effects of the development and accommodate shoreline views (visual public access) without a net loss of ecological functions.

7.1.3 Shoreline Modification Regulations

New Shoreline Stabilization and Flood Control Structures

- 1. Bioengineered shoreline stabilization (also known as bio-stabilization) is the preferred method for stabilizing shorelines and shall be permitted.
- 2. New, expanded, or replaced bank stabilization or flood control structures may be allowed when:
 - a. Part of an approved project whose primary purpose is remediating hazardous substances pursuant to RCW 70.105, or
 - b. There is conclusive evidence, documented by a geotechnical analysis that a primary structure is in danger of shoreline erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage.
- 3. New stream bank stabilization structures shall incorporate features that minimize adverse effects on riparian habitat, salmon spawning and migration, and water

quality. Such features shall include native vegetation, large wood, rocks, and other techniques that have been shown mitigate the effects of bank armoring on stream ecology. The City shall approve approaches consistent with Washington Department of Fish and Wildlife bank stabilization guidelines.

Information Required for New Shoreline Stabilization and Flood Control Structures

4. In assessing compliance with the provisions of this section, the Planning Director/Manager shall require the applicant or project sponsor to provide a geotechnical analysis that:
 - a. Describe existing topography, existing development; and location of abutting bulkheads; and
 - b. Evaluate the need for structural shoreline stabilization and potential impacts to habitat and other ecological functions, and;
 - c. Describe alternatives to structural approaches including increasing building setbacks and shoreline buffers and vegetative stabilization.
5. Technical reports shall be prepared by a Washington State licensed engineer and/or licensed geologist or engineering geologist and may include a qualified biologist as appropriate. The reports shall meet the application requirements of IMC 18.04 and all other procedures for land use permit applications and public notice. Geotechnical analysis required pursuant to this section shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. Hard armoring shall not be authorized unless the report confirms that there is a significant possibility that such a structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.

Maintenance and Repair of Existing Shoreline Stabilization or Flood Control Structures

6. Normal maintenance and repair of existing shoreline stabilization or flood control structures, such as rip-rap, revetments, levees or berms to a state comparable to their original condition, shall be allowed as long as the existing structure does not increase in size or extend waterward of the original structure.
7. Repair or rehabilitation of existing shoreline stabilization or flood control structures, where the primary purpose of the structure is to contain the 1-percent

annual chance flood event, shall be allowed where it is demonstrated by an engineering analysis that the existing structure:

- a. Does not provide an appropriate level of protection for surrounding lands;
 - b. Does not meet appropriate engineering design standards for stability (e.g., over-steepened side slopes for existing soil and/or flow conditions); and
 - c. Does not interfere with fluvial hydrologic and geomorphologic processes normally acting in natural conditions.
8. Replacement of more than seventy-five (75) percent of the lineal feet of an existing shoreline stabilization or flood control structure within any five (5) year period shall be regulated as "new, expanded, or replaced" structures.
9. Allowed shoreline stabilization or flood control structures shall meet the following criteria:
- a. The impacts can be mitigated in accordance with the mitigation sequencing prescribed by the Program such that there is no net loss of shoreline ecological functions or processes;
 - b. The size of shoreline stabilization structure shall be limited to the minimum necessary to protect the primary structure/use. Shoreline stabilization and flood control structures shall be designed by a state licensed professional geotechnical engineer and/or engineering geologist and constructed according to applicable state and federal laws;
 - c. The shoreline stabilization or flood control structure shall be constructed and maintained in a manner that does not degrade the quality of affected waters or adversely impact natural sediment transport; and
 - d. Appropriate vegetation restoration and conservation actions are undertaken consistent with WAC 173-26-221(5), and the provisions of this Program including the vegetation conservation regulations in Chapter 5 of this Program.

Construction Standards for New Shoreline Stabilization and Flood Control Structures

- 10. New shoreline stabilization or flood control structures shall be placed landward of the floodway as established in Federal Emergency Management Agency (FEMA) flood insurance rate maps or floodway maps.
- 11. New shoreline stabilization or flood control structures shall be placed landward of associated wetlands, and designated vegetation conservation areas, except when

the project includes increasing ecological functions as part of the design or as mitigation for impacts.

12. New, expanded, replaced, or repaired shoreline stabilization or flood control structures shall be planted with vegetation suitable for wildlife habitat.
13. No motor vehicles, appliances, similar structures nor parts thereof, nor structure demolition debris, nor any other solid waste shall be used for shoreline stabilization.

Prohibited New Shoreline Stabilization and Flood Control Structures

14. Subdivisions shall be designed to assure that future development of the established lots will not require structural shoreline stabilization or further limit channel migration. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.
15. Use of a bulkhead, revetment or similar structure to protect a platted lot where no structure presently exists shall be prohibited.

In-Stream Structures

16. In-stream structures shall only be allowed when associated with a watershed restoration project or a water dependent use, including but not limited to the fish hatchery.
17. In-stream structures shall be designed by a licensed professional engineer with experience in analyzing hydraulic information and systems.
18. In-stream structures and their support facilities shall be located and designed to minimize the need for structural shoreline stabilization. All diversion structures shall be designed to permit the natural transport of bedload materials. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body.
19. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are actually causing bank erosion, safety hazards, or higher flood stages. Removal shall be done in coordination with Washington Department of Fish and Wildlife.
20. In-stream structures shall provide for adequate upstream or downstream migration of anadromous fish, where applicable.

7.2 Residential Use and Development

7.2.1 Policies

1. Single-family residences and their appurtenant structures are a preferred shoreline use when developed in a way that controls pollution and prevents damage to the shoreline environment and complies with the provisions of this Program.
2. Residential development should be designed to preserve existing shoreline vegetation, control erosion, protect water quality using best management practices, and to utilize low impact development techniques where appropriate.
3. Accessory structures such as accessory dwelling units, swimming pools, sport courts and other structures should be located and designed to minimize impervious surface and be visually and physically compatible with adjacent shoreline features.
4. New residential development should provide adequate building setbacks and natural vegetated buffers to protect and restore ecological functions and processes, to preserve views, and to minimize use conflicts.
5. For additions to existing residential residences enhancement of ecologic conditions (ex: buffer vegetation, water quality) should be required commensurate to the proposed improvement or development.
6. The City should encourage voluntary enhancement and restoration of high-functioning vegetated buffers and natural or semi-natural shorelines.
7. Residential development should at a minimum achieve no net loss of ecological functions necessary to sustain shoreline natural resources, even for developments that do not require a Shoreline Substantial Development Permit.

7.2.2 Use Regulations

1. All residential use and development shall comply with the standards included in Table 2 in Chapter 4.
2. Single-family residential use is a preferred shoreline use and shall be permitted on Issaquah Creek and the East Fork Issaquah Creek when consistent with this Program and the Act.
3. Multi-family residential development and mixed-use development with a residential component shall be allowed in the Shoreline Commercial / Mixed Use environment, as a permitted use where the underlying zoning designation (IMC 18.10) allows such use and the development is consistent with this Program.

4. All residential development is prohibited in the Natural Environment.
5. Residential development and appurtenances shall be located sufficiently landward of the ordinary high water mark to preclude the need for new structural shoreline stabilization and/or flood protection or structures that limit channel migration for the useful life of the structure.
6. New residential development, including all accessory structures shall be prohibited in, on, or over water or within floodways.
7. As mandated by the RCW 90.58.320, no shoreline permit may be issued for any new or expanded building or structure of more than thirty five (35) feet above average grade level on shorelines, except where overriding considerations of the public interest will be served. A variance shall be required for exceptions to the height standards.
8. Structures accessory to residential development, other than fences, shall be sited outside (landward of) the shoreline buffer and building setback established in IMC 18.07.360 and section 5.6.2 of this Program. Fences located within shoreline buffers shall require approval to minimize and mitigate for clearing of vegetation.
9. All residential development proposals shall be accompanied by a plan indicating methods for erosion control during and following construction in accordance with the City's Erosion and Sedimentation Control Ordinance.

Special Regulations for Multi-family Development

10. Multi-family residential development in the Urban Conservancy environment shall be located a minimum distance of 200 feet from the OHWM.

Shoreline Buffers and Setbacks

11. Issaquah Creek/ East Fork Issaquah Creek Buffer – In accordance with Section 5.6.2 of this Program, a 100-foot wide vegetated shoreline buffer and 15-foot building setback shall be required to protect the creeks from adverse effects of development.

Creek Buffer Modification

12. For single family residential developments on Issaquah Creek and the East Fork Issaquah Creek, a four-foot wide creek access trail (pervious or impervious) through the buffer may be allowed. Access trails shall be located and designed to avoid substantial clearing of mature trees and woody vegetation within the buffer.

7.2.3 Shoreline Modification Regulations

The shoreline modification regulations listed under 7.1.3 shall also apply to residential uses in the Issaquah Creek and the East Fork Issaquah Creek Shoreline.

7.3 Public Recreational Use and Development

7.3.1 Policies

1. The City should provide diverse water-dependent and water-related recreation opportunities that are convenient and adequate for the community and that preserve shoreline resources.
2. The City should plan for shoreline recreation facilities to serve projected growth and level of service standards, in accordance with the Comprehensive Plan and the Parks, Open Space and Recreation Plan.
3. Recreational uses in shoreline areas should be located where the uses would not result in adverse effects on shoreline functions and processes, and/or neighboring uses.
4. The City should integrate recreational elements into other regional parks and trail systems.
5. The City should encourage cooperation among public agencies, non-profit groups and private landowners and developers to increase and diversify recreational opportunities.
6. Public recreational development should be located where existing infrastructure (roads and utilities) is adequate, commensurate with the number and concentration of anticipated users.

7.3.2 Use Regulations

1. Public water-oriented recreational development is a preferred shoreline use and shall be allowed when consistent with underlying zoning pursuant to IMC 18.10, this Program, and the Act.
2. Public recreational developments shall provide for non-motorized access to the shoreline (e.g., pedestrian and/or bicycle paths), unless such access is infeasible due to public health and safety considerations.
3. Power operated vehicles and power operated boats shall be prohibited on or in Issaquah Creek and the East Fork Issaquah Creek.
4. Public recreational facilities with playing fields or with impervious surfaces shall incorporate appropriate means to prevent erosion, control runoff, and prevent

chemicals and sediment from entering water bodies per the standards of IMC 13.28 (Surface Water Management).

5. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of picnic areas, selected views or other permitted structures or facilities. Any removal of vegetation shall comply with the regulations for vegetation conservation and all other provisions of this program.
6. Proposals for public recreational developments shall comply with the provision of this Program and shall include a landscape plan that uses plant species to be approved by the City. Landscape plans shall incorporate the use of native, self-sustaining vegetation.
7. Signs indicating the publics' right of access to shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access and entrances.
8. All temporary and/or permanent impacts to the shoreline buffer required for development of recreational facilities shall meet standards of mitigation, as specified by this Program.
9. All new recreational development proposals will be reviewed by the City for ecological restoration and public access opportunities. When restoration and/or public access plans indicate opportunities exist, the City may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.
10. Nonwater-oriented recreational development shall include public access and ecological restoration including removing shoreline armoring and enhancing shoreline vegetation. The City shall determine the appropriate type and extent of public access and ecological restoration required based on the type of development and the existing site conditions.

Shoreline Buffers and Setbacks

11. Issaquah Creek/ East Fork Issaquah Creek Buffer – In accordance with Section 5.6.2 of this Program, a 100-foot wide vegetated shoreline buffer and 15-foot building setback shall be required to protect the creeks from adverse effects of development.

7.3.3 Shoreline Modification Regulations

The shoreline modification regulations listed under 7.1.3 shall also apply to Public Recreational Uses in the Issaquah Creek and East Fork Issaquah Creek Shoreline.

CHAPTER 8. ADMINISTRATIVE PROCEDURES

8.1 Administration

8.1.1 General Standards

1. Unless otherwise stated, this Program shall be administered according to the standards and criteria in RCW 90.58 and WAC 173-27.

8.2 Shoreline Permits

8.2.1 General Regulations

1. To be authorized under this Program, all uses and developments shall be planned and carried out in a manner that is consistent with IMC and this Program regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.
2. Shoreline exemptions, shoreline substantial development permits, shoreline variances and shoreline conditional use permits shall be subject to all of the applicable procedural requirements of IMC 18.04.
3. The City shall not issue any permit for development within shoreline jurisdiction until approval has been granted pursuant to this Program.
4. Issuance of a shoreline substantial development permit, shoreline variance or shoreline conditional use permit does not constitute approval pursuant to any other federal, state or City laws or regulations.
5. All shoreline permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Planning Director/Manager, documenting compliance with bulk and dimensional policies and regulations of this Program. The director may attach conditions to the approval as necessary to assure consistency with the RCW 90.58 and this Program. Such conditions may include a requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.

8.2.2 Substantial Development

1. Substantial development as defined by RCW 90.58.030 shall not be undertaken without first obtaining a substantial development permit from the Planning Director/Manager, unless the use or development is specifically identified as exempt from a substantial development permit.

2. The Planning Director/Manager may grant a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW.90.58; the provisions of this WAC 173-27; and this Program.
3. The Planning Director/Manager is authorized to grant a shoreline substantial development permit when all of the criteria enumerated in WAC 173-27-150 are met.
4. The Planning Director/Manager may grant a substantial development permit only when the development is consistent with the timelines outlined in WAC 173-27-090 and permit application requirements listed in WAC 173-27-180.

8.2.3 Exemptions from a Substantial Development Permit

1. Uses or developments that meet the criteria listed in WAC 173-27-040(2) may qualify for an exemption from a Substantial Development Permit.
2. Uses and developments that are exempt from the requirements of a substantial development permit pursuant to RCW 90.58.030(3)(e) and WAC 173-27-040 shall conform to the policies and regulations of this Program.
3. Proposed uses or developments that meet the requirements for an exemption shall submit a request for exemption to the Planning Director/Manager for review and approval. Shoreline exemptions will require a Level 0 or Level 1 Review pursuant IMC 18.04.100. Shoreline exemptions for projects that are likely to result in minor impacts, as determined by the Planning Director/Manager, may be processed by a Level 0 review.
4. If any part of a proposed development is not eligible for exemption as defined in RCW 90.58.030(3)(e) and WAC 173-27-040, then a substantial development permit is required for the entire proposed development project.
5. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
6. The burden of proof that a development or use is exempt is on the applicant or proponent of the development action.
7. The holder of a certification from the governor pursuant to RCW 80.50 shall not be required to obtain a permit under this Program.

8.2.4 Shoreline Exemption Permit

1. For uses and developments within the shoreline jurisdiction, specifically listed in RCW 90.58.030 and WAC 173-27-040, that are determined to be exempt from the

requirements of a substantial development permit, the Planning Director/Manager shall prepare a statement of exemption, or a shoreline exemption permit. Statements of exemption and shoreline exemption permits shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the Planning Director/Manager's analysis of the consistency of the project with this Program and the Act.

2. No written statement of exemption is required for emergency construction pursuant to WAC 173-27-040(2)(d). An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full permitting. In such cases, a brief description of the emergency work shall be provided to the Administrator before work is undertaken. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the local master program.
3. In accordance with WAC 173-27-040, statements of exemptions may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and Act.
4. Pursuant to IMC 18.04.360(F), the City Building Official, through consultation and coordination with the Planning Director/Manager, shall attach shoreline management terms and conditions to the Building Permit.
5. Whenever the exempt activity also requires a U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, a copy of the written statement of exemption shall be sent to the applicant/proponent and Ecology pursuant to WAC 173-27-050.

8.2.5 Shoreline Variance

1. A development or use that does not comply with the bulk, dimensional and/or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.
2. A Shoreline Variance shall follow the provisions in this section and other applicable sections of the Shoreline Master Program. A Reasonable Use Variance under the Critical Areas Regulations IMC 18.10.430, shall not apply within shoreline jurisdiction. A variance shall require review, pursuant to IMC 18.04 Procedures. The Department of Ecology shall be the final approval authority under WAC 173-27-200.
3. The purpose of a shoreline variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict

implementation of this Program would impose unnecessary hardships on the applicant/proponent or thwart the policies set forth in RCW 90.58.020.

4. Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
5. The burden of proving that a proposed shoreline variance meets the criteria in WAC 173-27-170 shall be on the applicant. Absence of such proof shall be grounds for denial of the application
6. A variance from the standards of the master program may be granted only when the applicant can demonstrate that all the following conditions will apply:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - b. That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief;
 - f. That the public interest will suffer no substantial detrimental effect; and
 - g. That the public rights of navigation and use of the shorelines will not be adversely affected
 - h. That consideration has been given to the cumulative effect of like actions in an area where similar circumstances exist, and whether this cumulative effect would be consistent with shoreline policies or would have substantial adverse effects on the shoreline.
7. Before making a determination to grant a shoreline variance, the City shall consider issues related to the conservation of valuable natural resources, and the

protection of views from nearby public roads, surrounding properties and public areas.

8. A variance from City development code requirements shall not be construed to mean a variance from shoreline master program use regulations and vice versa. Shoreline variances may not be used to permit a use that is specifically prohibited in an environmental designation, or to vary uses permitted within an environmental designation.
9. The City shall not issue a permit for any new or expanded building or structure that exceeds a height of thirty five (35) feet above average grade level that will obstruct the view of a substantial number of residences except with a shoreline variance, provided an applicant can demonstrate overriding considerations of the public interest will be served.

8.2.6 Conditional Uses

1. A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.
2. The purpose of the conditional use permit is to provide greater flexibility in varying the application of the use regulations of the shoreline master program in a manner which will be consistent with the policies of RCW 90.58, particularly where denial of the application would thwart the policies of the Shoreline Management Act.
3. When a conditional use is requested, the substantial development permit, if required, and the conditional use shall require a Level 2 Review, pursuant to IMC 18.04.370 through 18.04.400. The Planning Director/Manager shall be the final approval authority for the City. The Department of Ecology shall be the final approval authority under WAC 173-27-200.
4. Conditional use permits shall be authorized only when they are consistent with the following criteria:
 - a. The proposed use is consistent with the policies of RCW 90.58.020, WAC 173-27-160 and the policies of the master program;
 - b. The use will not interfere with normal use of public shorelines;
 - c. The use will cause no unreasonable adverse effects on the shoreline or surrounding properties or uses, and is compatible with other permitted uses in the area;
 - d. The public interest will suffer no substantial detrimental effect;

- e. Consideration has been given to cumulative impact of additional requests for like actions in the area.
- 5. Other uses not set forth in the shoreline master program may be authorized through a conditional use permit if the applicant can demonstrate that other uses are consistent with the purpose of the shoreline environmental designation and compatible with existing shoreline improvements or that extraordinary circumstances preclude reasonable use of the property; however, uses specifically prohibited by the master program may not be authorized.
- 6. The burden of proving that a proposed shoreline conditional use meets the criteria in WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
- 7. The City is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

8.3 Permit Revisions

- 1. A permit revision is required whenever the applicant/proponent proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this Program or the Act. Changes that are not substantive in effect do not require a permit revision.
- 2. An application for a revision to a shoreline permit shall be submitted to the director. The application shall include detailed plans and text describing the proposed changes. The City shall review and process the request in accordance with the requirements of WAC 173-27-100.

8.4 Final approval of shoreline permits.

- 1. The Planning Director/Manager shall notify the following agencies or persons of the final approval of a shoreline permit and any variances or conditional uses granted:
 - a. The applicant;
 - b. The State Department of Ecology; and
 - c. Any person who has submitted written comments on the application or requested notification in writing prior to final approval of the permit.
- 2. No work may commence on a site requiring a shoreline permit until twenty-one (21) days following the date of filing of the shoreline permit by the State

Department of Ecology, and written notification has been received from the Department of Ecology that the appeal period has been initiated.

8.5 Appeals

1. Appeals of the final decision of the City with regard to shoreline management shall be governed by the provisions of RCW 90.58.180.
2. Appeals to the Shoreline Hearings Board of a decision on a shoreline substantial development permit, shoreline variance or shoreline conditional use permit may be filed by the applicant/proponent or any aggrieved party pursuant to RCW 90.58.180.
3. The effective date of the City's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

8.6 Non-conforming Uses and Structures

8.6.1 Non-conforming uses

1. Uses that were legally established [as of December 31, 1971] and are non-conforming with regard to the use regulations of this Program may continue as legal non-conforming uses.
2. An existing use designated as a conditional use that lawfully existed prior to the adoption of this Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit shall be considered a legal non-conforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.
3. If a non-conforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

8.6.2 Non-conforming structures

1. Existing structures that were legally established but which are non-conforming to the development standards of this Program, including but not limited to standards for setbacks, area, bulk, height, and density may be maintained, repaired, expanded or reconstructed in accordance with specific provisions of this Program, the Non-Conforming Use and Development Standards of WAC 173-27-080, and Non-Conforming Situations (IMC 18.08).

2. Non-conforming structures may be maintained, repaired, remodeled, or altered provided that the non-conforming structure is not enlarged, intensified, increased, or altered in any way that increases the extent of the nonconformity, except as specifically permitted in this Program, WAC 173-27-080, the Critical Areas Regulations (IMC 18.10), or Non-Conforming Situations (IMC 18.08).
3. Replacement or reconstruction of an existing non-conforming structure to a different non-conforming location may be allowed if a determination is made by the City that the new location would result in less impact to shoreline functions.
4. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to pre-existing nonconformities.
5. Reconstruction Following Accidents or Acts of Nature – If a legally established, non-conforming structure is damaged or destroyed due to fire, accident, act of nature, or similar involuntary occurrence, the structure may be repaired or reconstructed to match the footprint of the structure that existed prior to the time the damage occurred. The reconstruction shall not extend further waterward than the original structure. The owner shall submit a complete application for reconstruction within twenty-four (24) months of the date the damage occurred.

8.7 Cumulative Effects of Shoreline Developments

1. The City will periodically evaluate the effectiveness of the Shoreline Master Program update at achieving no net loss of shoreline ecological functions with respect to shoreline permitting and exemptions in order to comply with WAC 173-26-191(2)(a)(iii)(D). An existing database shall be used to track shoreline development.
2. The Shoreline Administrator, will, to the extent feasible, coordinate with other City departments or restoration partners, as well as adjacent jurisdictions, to assess cumulative effects of shoreline development.
3. The City shall use shoreline development tracking information to prepare a SMP effectiveness evaluation report every eight years to comply with RCW 90.58.080(4)(a).

8.8 Rules of Director

1. The Planning Director/Manager is authorized to adopt such rules as are necessary and appropriate to implement this Program. The Planning Director/Manager may prepare and require the use of such forms as are necessary to its administration.

8.9 Enforcement, Violations and Penalties

1. The Planning Director/Manager is authorized to enforce the provisions of this title, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of WAC 173-27.
2. This Program will be enforced by the means and procedures set forth in IMC 1.36.